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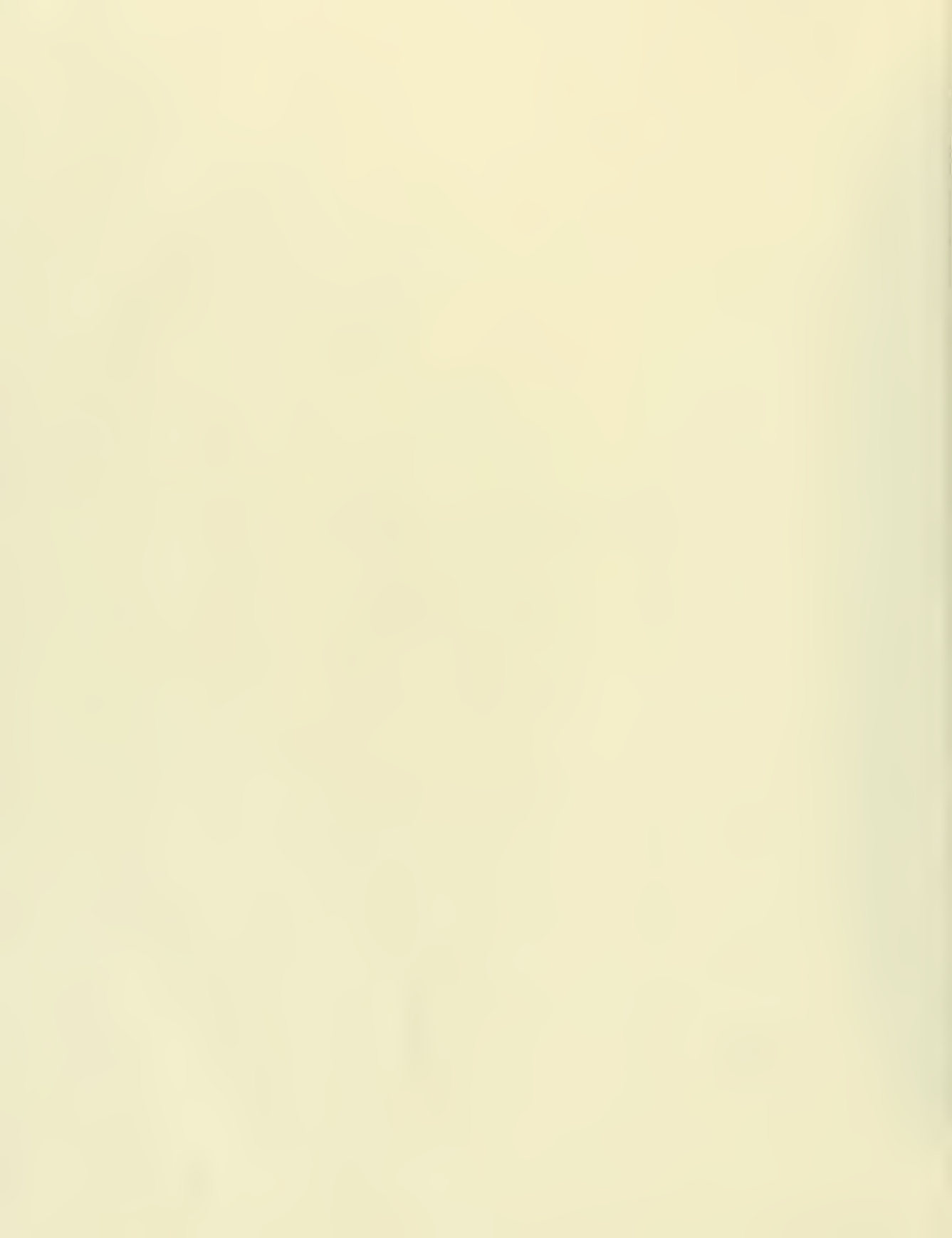
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JAN - 8 2002



S.F. BOARD OF SUPERVISORS

RULES COMMITTEE

MINUTES

The "Minutes" of the Rules Committee consist of entering on the Calendar (Agenda) the actions taken by the Committee.

For meetings where the Minutes are missing, we have included the unmarked Calendar, if it is available. This will not give the actions taken by the Committee, but will at least give the matters considered at the meeting.

Unfortunately, virtually all Minutes are missing for the year 1993.

Beginning in 1990, the Budget Analyst prepared Memoranda for many of this Committee's meetings. Those Memoranda are included when available.

NOTE: The "Rules Committee" became the "Rules and Legislation Committee" in April 1982. Its name was changed back to the "Rules Committee" in March 1987.



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CALENDAR

RULES COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

DOCUMENTS DEPT.

JAN 29 1993

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TUESDAY, FEBRUARY 2, 1993 - 10:00 A.M.

ROOM 228, CITY HALL

MEMBERS: SUPERVISORS ALIOTO, BIERMAN, CONROY

CLERK: GREGOIRE HOBSON

REGULAR CALENDAR

1. File 92-90-14. Consideration of appointment of members to the Hazardous Materials Advisory Committee Judith Guerriero, (Public Educator) term expiring July 1, 1990, for the unexpired portion of a four-year term ending July 15, 1994.

Applicant: Kathleen M. Kahler (Health Educator)

(Cont'd from 12/8/92)

ACTION:

2. File 92-92-46. Consideration of appointment of five (5) members to the Elder Abuse Task Force. (Clerk of the Board)

Applicants: Tress Stewart (Dept. Public Health)
Sadie Hutton (Dept. Social Services)
Dennis Gustafson (Police Dept.)
Candace J. Heisler (District Attorney's Office)
Jo Ruffin (Dept. Public Health, Mental Health)

ACTION:

3. File 92-92-52. Consideration of appointment of members to the Bicycle Advisory Committee, vice Jon Poschman (at large), Pat McElroy (at large), terms expiring December 31, 1992, for the three-year term ending December 31, 1995. (Clerk of the Board)

Applicants: Michael Hillson
Charles A. Higgins
Jon Poschman
Leslie D. Plack
Andrew Vesselinovitch
Angela M. Fitzsimons
David H. Snyder
Patrice McElroy

(Cont'd from 12/8/92)

ACTION:

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219 12/21/01 37

4. File 92-92-66. Consideration of appointment of members to the Delinquency Prevention Commission vice Scott Hauge (Supervisor Hallinan), Jean Hadley (Supervisor Maher), Raymond Benson (Supervisor Alioto), Laura Asselin (Supervisor Conroy), Eric Ciasullo (Supervisor Kaufman [Britt]), terms expired December 31, 1992, for new four-year terms ending December 31, 1996. (Clerk of the Board)

Applicants: Raymond Benson (Supervisor Alioto)
Father James E. Goode, OFM (Supervisor Hallinan)
James L. Howard (Supervisor Conroy)

ACTION:

5. File 92-92-63. Consideration of appointment of a member to the Emergency Medical Care Committee, vice William Harris (UCSF) resigned, for the unexpired portion of the three-year term ending June 30, 1993. (Clerk of the Board.)

Applicant: Linda M. Mann

ACTION:

6. File 92-93-6. Consideration of appointment of member of the Board of Supervisors to the Association of Bay Area Governments (ABAG), Executive Board, vice Supervisor tom Hsieh, resigned, for unexpired portion of two year term ending June 30, 1993. (Clerk of the Board)

Applicant: Supervisor Carole Migden

ACTION:

7. File 92-89-32. Consideration of appointment of member, Maternal Child and Adolescent Health Board vice Nicolette Collins, M.D. (professional provider) term expired August 31, 1989, for an unexpired portion of a three-year term ending August 31, 1992. (Clerk of the Board)

Applicant: Winchell W. Quock, M.D.

ACTION:

8. File 92-92-69. Consideration of appointment of member to the Drug Abuse Advisory Board, vice Jacquie H. Hansen, resigned, for the unexpired portion of a three-year term ending October 1, 1995. (Clerk of the Board)
(Member No. 000925; Seat No. 22103; Board No. 221)

Applicants: Juan Oyarzun
Stephen Glatt
Keith Folger

ACTION:

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2/16/93

BOARD of SUPERVISORS



City Hall
San Francisco 94102
554-5184

Calendar

NOTICE OF RESCHEDULED MEETING

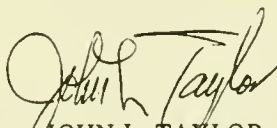
RULES COMMITTEE

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FEB 9 1993

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Notice is hereby given that the regularly scheduled meeting of the Rules Committee for Tuesday, February 16, 1993, has been rescheduled to Wednesday, February 17, 1993, at 10:00 a.m., in the Legislative Chambers, City Hall.


JOHN L. TAYLOR
Clerk of the Board

POSTED: FEBRUARY 4, 1993

RULES COMMITTEE
S.F. BOARD OF SUPERVISORS
ROOM 235, CITY HALL
SAN FRANCISCO, CA. 94102

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C A L E N D A R
RESCHEDULED RULES COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

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WEDNESDAY, FEBRUARY 17, 1993 - 10:00 A.M. LEGISLATIVE CHAMBERS,
CITY HALL

MEMBERS: SUPERVISORS ALIOTO, BIERMAN, CONROY

CLERK: GREGOIRE HOBSON

1. File 92-92-66. Consideration of appointment of members to the Delinquency Prevention Commission vice Jean Hadley (Supervisor Maher), Eric Ciasullo (Supervisor Bierman [Britt]), terms expired December 31, 1992, for new four-year terms ending December 31, 1996. (Clerk of the Board)

Applicants: Andante' Higgins (Supervisor Maher)
Eric Ciasullo (Supervisor Bierman)

ACTION:

2. File 92-92-45. Consideration of appointment of members to the Maternal, Child and Adolescent Health Board vice, Margaret Royce, (Nurse); Meredith Cahn, (Parent-Full Board); Mary C. Costello (Parent-Full Board); Devi Ananda, (Health Prof.-Full Board); Kathleen Morkert (Health Prof.-Full Board); Grace King, (Health Prof.-Britt); Philip Ziring, M.D. (Health Prof.-Full Board) and Barbara Kalmanson (Hallinan), terms expired August 31, 1992, for three-year terms ending August 31, 1995. (Clerk of the Board)

Applicant: Linda S. White, Ph.D. (vice Devi Ananda (Health Professional)

ACTION:

3. File 92-93-4. Consideration of appointment of thirteen (13) members to the newly established Seismic Safety Retrofit Bond Program Board for various terms. (Clerk of the Board) (Established by Ordinance No. 376-92 sponsored by Supervisor Tom Hsieh)

Applicants: Russ Flynn (residential UMB owner)
Zack Stewart (non-residential UMB owner)
Betty Louie (non-residential UMB owner)
Mary Comerio (residential UMB tenant)
Father John Hurley (residential non-profit)
Louis Vitale, O.F.M. (residential non-profit)

ACTION:

4. File 92-93-5. Consideration of appointment of nine (9) members to the newly established Seismic Safety Retrofit Bond Program Advisory Board for various terms. (Clerk of the Board) (Established by Ordinance No. 376-92 sponsored by Supervisor Tom Hsieh)

Applicants: Robert Thompson (historic preservationist)
Hirashi B. Sugaya (historic preservationist)
Marc Ryser (historic preservationist)
Lynn Yandell (disabled)
Jean Driscoll (financial/mortgage brokerage)
Timothy Leveque (financial/mortgage brokerage)
William Wong (trade union)
Stan Smith (trade union)
Mary Comerio (environment)
J. David Heindel (environment)
Maritza Delgadillo (MBE/WBE)
Steven Plath (construction industry)
Jeff Wieland (construction industry)
Pat Buscovich (structural engineer)
Hirashi B. Sugaya, AICP (architect)
Maritza Delgadillo (architect)
Bob Myers (architect)

ACTION:

5. File 92-92-64. Consideration of appointment of a member to the Airport Noise Committee, vice Carole Gamble (Supervisor Tom Hsieh), resigned, for the unexpired portion of the three-year term ending September 30, 1993. (Clerk of the Board)

Applicant: William J. Alich (Supervisor Hsieh)

ACTION:

6. File 33-91-1. [State Legislative Representative] Resolution ratifying the Mayor's appointment of Margaret Kisliuk as the State Legislative Representative for the City and County of San Francisco. (Mayor)

ACTION:

7. File 56-93-1. [Rules of Order] Motion amending the Rules of Order of the Board of Supervisors by amending Rules 4.20, 4.31 and 4.24 to require that legislation be available to the public for 30 days before action is taken by the Board of Supervisors. (Supervisors Achtenberg, Alioto, Bierman, Hallinan, Shelley)

ACTION:

8. File 97-93-6. [Public Information] Draft ordinance concerning public information such as public meetings, public records and related public information and free speech policy. (Supervisor Achtenberg, Alioto, Bierman, Hallinan, Shelley)

ACTION:

RULES COMMITTEE
S.F. BOARD OF SUPERVISORS
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C A L E N D A R

RULES COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

TUESDAY, MARCH 2, 1993 - 10:00 A.M.

ROOM 228, CITY HALL

MEMBERS: SUPERVISORS ALIOTO, BIERMAN, CONROY

CLERK: GREGOIRE HOBSON

1. File 92-92-69. Consideration of appointment of member to the Drug Abuse Advisory Board, vice Jacquie H. Hansen, resigned, for the unexpired portion of a three-year term ending October 1, 1995. (Clerk of the Board)

Applicants: Juan oyarzum
Stephen Glatt
Keith Folger

(Cont'd from 2/2/93)

ACTION:

2. File 92-93-7. Consideration of appointment of member to the Emergency Medical Care Committee, vice Ron Bistolfo (American Red Cross), resigned, for the unexpired portion of the three-year term ending June 30, 1993. (Clerk of the Board)

Applicant: Paul Miller (American Red Cross/Bay Area)

ACTION:

3. File 92-93-10. Consideration of appointment of a member to the Developmental Disabilities Area Board V, vice Barbara Turner, term expired, for a new three-year term ending December 31, 1996. (Clerk of the Board)

Applicant: Barbara Turner (vice self)

ACTION:

4. File 92-93-8. Consideration of appointment of members to the Veterans Affairs Council, vice Mark Buell (Category 4) and Paul D. Hardman (Category 1), terms expired, for new four-year terms ending January 1, 1997. (Clerk of the Board)

Applicants: Roberto Binelli (vice Mark Buell)
Paul D. Hardman (vice self)

ACTION:

5. File 92-93-9. Consideration of appointment of members to the Telecommunications Policy Committee vice Sue Levitin, Ron Wong, Harold Layer and Steve Werth, terms expired February 1, 1993, for new two-year terms ending February 1, 1995. (Clerk of the Board)

Applicants: Sue Levitin (vice self)
Ron Wong (vice self)
Harold Layer (vice self)
Steve Werth (vice self)

ACTION:

6. File 56-93-2. [Voting Order] Motion amending the Rules of Order of the Board of Supervisors to provide that Supervisors shall vote in a rotating manner, with the first Supervisor to vote being changed at each regular meeting, by adding Rule 2.27. (Supervisor Alioto)

ACTION:

7. File 191-93-1. To consider appointment of a Deputy Attorney General of the State of California to the Public Utilities Commission of the City and County of San Francisco. (Supervisor Hallinan)

ACTION:

8. File 33-93-2. [War Memorial] Confirming Mayor's appointments to the San Francisco War Memorial Board of Trustees. (Supervisor Kennedy)

ACTION:

RULES COMMITTEE
S.F. BOARD OF SUPERVISORS
ROOM 235, CITY HALL
SAN FRANCISCO, CA. 94102

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CALENDAR

SPECIAL RULES COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

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MAR 04 1993

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FRIDAY, MARCH 5, 1993 - 1:30 P.M.

ROOM 228, CITY HALL

MEMBERS: SUPERVISORS ALIOTO, BIERMAN, CONROY

CLERK: GREGOIRE HOBSON

1. File 92-92-69. Consideration of appointment of member to the Drug Abuse Advisory Board, vice Jacquie H. Hansen, resigned, for the unexpired portion of a three-year term ending October 1, 1995. (Clerk of the Board)

Applicants: Juan Oyarzum
Stephen Glatt
Keith Folger

(Cont'd from 2/2/93)

ACTION:

2. File 92-93-7. Consideration of appointment of member to the Emergency Medical Care Committee, vice Ron Bistolfo (American Red Cross), resigned, for the unexpired portion of the three-year term ending June 30, 1993. (Clerk of the Board)

Applicant: Paul Miller (American Red Cross/Bay Area)

ACTION:

3. File 92-93-10. Consideration of appointment of a member to the Developmental Disabilities Area Board V, vice Barbara Turner, term expired, for a new three-year term ending December 31, 1996. (Clerk of the Board)

Applicant: Barbara Turner (vice self)

ACTION:

4. File 92-93-8. Consideration of appointment of members to the Veterans Affairs Council, vice Mark Buell (Category 4) and Paul D. Hardman (Category 1), terms expired, for new four-year terms ending January 1, 1997. (Clerk of the Board)

Applicants: Roberto Binelli (vice Mark Buell)
Paul D. Hardman (vice self)

ACTION:

5. File 92-93-9. Consideration of appointment of members to the Telecommunications Policy Committee vice Sue Levitin, Ron Wong, Harold Layer and Steve Werth, terms expired February 1, 1993, for new two-year terms ending February 1, 1995. (Clerk of the Board)

Applicants: Sue Levitin (vice self)
Ron Wong (application withdrawn 2/26/93)
Harold Layer (vice self)
Steve Werth (vice self)
Zane G. Blaney
Tom Hsieh, Jr. (vice Ron Wong)

ACTION:

6. File 56-93-2. [Voting Order] Motion amending the Rules of Order of the Board of Supervisors to provide that Supervisors shall vote in a rotating manner, with the first Supervisor to vote being changed at each regular meeting, by adding Rule 2.27. (Supervisor Alioto)

ACTION:

7. File 191-93-1. [Kay Yu Appointment] Resolution urging that the City Attorney consider bringing suit in quo warranto to resolve the legality of the appointment of California Deputy City Attorney Kay Yu to the San Francisco Public Utilities Commission. (Supervisor Hallinan)

ACTION:

8. File 33-93-2. [War Memorial] Confirming Mayor's appointments to the San Francisco War Memorial Board of Trustees. (Supervisor Kennedy)

Appointee: Evelyn Haas (vice self)
Thomas Horn (vice self)
Ray Taliaferro (vice Lily Cuneo)
Anthony Zanze (vice Alan Becker)

ACTION:

RULES COMMITTEE
S.F. BOARD OF SUPERVISORS
ROOM 235, CITY HALL
SAN FRANCISCO, CA. 94102

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BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

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TUESDAY, MARCH 16, 1993 - 10:00 A.M.

ROOM 228, CITY HALL

MEMBERS: SUPERVISORS ALIOTO, BIERMAN, CONROY

CLERK: GREGOIRE HOBSON

1. File 92-92-34. Consideration of appointments of nine (9) members to the Mission Bay Hazardous Material Investigation and remediation Program (HMIRP) Citizens Advisory Committee for various terms. (Clerk of the Board)

(Established by Ordinance No. 166-93, sponsored by Supervisor Angela Alioto - There are nine (9) vacancies.)

Applicants: Ruth Gravanis (environmental/wetlands)
Neil Gendel (environmental)

ACTION:

2. File 92-93-1. Consideration of appointment of four (4) at-large members to the Commission on San Francisco's Environment, for various terms. (Clerk of the Board)

(Established by Ordinance 349-92, sponsored by Supervisors Britt and Shelley - There are four (4) vacancies.)

Applicants: Jeffrey M. Judd
Regina Sneed
Raj T. Desai
Helen Desai
Deborah Rohrer
Andrea Cochran
Rebecca (Becky) Evans
Nathan Ratner
Neil Gendel
Isabel Wade, Ph.D.
Paul C. Okamoto

ACTION:

3. File 97-93-6. To consider implementing the San Francisco Sunshine Law affecting meetings, records, speech and comment. (Supervisors Achtenberg, Bierman, Hallinan, Shelley, Alioto)

(Cont'd from 2/17/93)

ACTION:

CHARTER AMENDMENTS

4. File 181-93-1. [Ballot Measure] Charter amendment (Third Draft) amending Section 3.100 and adding Section 3.204 relating to the filling of vacancies in the office of a member of the Board of Supervisors. (Supervisors Achtenberg, Bierman, Hallinan, Shelley)

ACTION:

5. File 182-93-1. [Ballot Measure] Charter amendment (Third Draft) amending Section 3.100 and adding Section 3.104 relating to the filling of vacancies in the Office of the Mayor. (Supervisors Achtenberg, Bierman, Hallinan, Shelley)

ACTION:

RULES COMMITTEE
S.F. BOARD OF SUPERVISORS
ROOM 235, CITY HALL
SAN FRANCISCO, CA. 94102

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CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 MARKET STREET, SUITE 1025

SAN FRANCISCO, CALIFORNIA 94102 • TELEPHONE (415) 554-7642

March 15, 1993

TO: Rules Committee
FROM: Budget Analyst
SUBJECT: March 16, 1993 Rules Committee Meeting

Item 4 - File 181-93-1

**Proposed Ballot
Measure:**

Charter Amendment

Draft:

Third Draft

Section Affected:

The proposed Charter Amendment would amend Section 3.100 and add Section 3.204 relating to the filling of vacancies in the office of Member of the Board of Supervisors.

Description:

Currently, Section 3.100 of the Charter specifies that the Mayor shall appoint a qualified person to fill a vacancy on the Board of Supervisors for the unexpired term of the office vacated.

The proposed Charter Amendment would change the process by which a member of the Board of Supervisors would be selected in an event that a vacancy occurs. The proposed Charter Amendment provides that a vacancy in the Board of Supervisors shall not be filled by appointment of the Mayor, but instead the unexpired term shall be filled at the next primary or general election that occurs no earlier than 160 days after the office becomes vacant. The candidate receiving the highest number of votes in the election shall be

elected to fill the vacancy and shall assume the office at 12:00 o'clock noon on the fifth day after the declaration of the official count.

In the interim period until a new Board Member is elected by a primary or general election pursuant to this section, the Mayor shall appoint a qualified person (as defined in Charter Section 8.100) to temporarily fill the vacancy. The Mayor's appointment is subject to confirmation by a simple majority vote of the remaining members of the Board of Supervisors.

**Effect on the Cost
of Government:**

Mr. John Madden, Chief Deputy Controller states that there would be no additional costs as a result of the proposed Charter Amendment.

Comment:

The City Attorney is completing a fourth draft of the proposed new Charter Section 3.204 in order to correct clerical errors.

Item 5 - File 182-93-1

**Proposed Ballot
Measure:**

Charter Amendment

Draft:

Third Draft

Section Affected:

The proposed Charter Amendment would amend Section 3.100 and add Section 3.104 relating to the filling of vacancies for the position of the Mayor of the City and County of San Francisco.

Description:

Currently, when the Office of Mayor becomes vacant before the end of the term, the Board of Supervisors is responsible for filling the office for the unexpired term.

The proposed Charter Amendment would change the current process by which the Mayor is selected in an event that a vacancy occurs in the Office of Mayor. The proposed Charter Amendment provides that a vacancy in the Office of Mayor would be filled by a special election which shall be held no earlier than 160 days and no later than 180 days after the vacancy occurs. However, if the vacancy occurs within 160 to 240 days of a general or primary election, the voters shall elect a Mayor at that next general or primary election.

In the event that no candidate of a general, primary or special election receives a majority of the votes cast for the Office of Mayor, the two candidates receiving the highest number of votes shall qualify as candidates for the Office of Mayor at a runoff election to be held 42 days after the general, primary or special election.

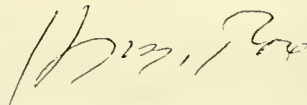
In the interim period until a new Mayor is elected by a general, primary or special election pursuant to the proposed Charter amendment, the Board of Supervisors, by a simple majority vote, shall elect a qualified person (as defined in Charter Section 8.100) to serve as Mayor. Until such time as the Board of Supervisors elects a qualified person to serve as Mayor, the President of the Board of Supervisors shall serve as Mayor.

**Effect on the Cost
of Government:**

Should a special election be required pursuant to the requirements of this proposed Charter Amendment, Mr. John Madden, Chief Deputy Controller estimates that such a special election would cost the City approximately \$800,000.

Comment:

The City Attorney is completing a fourth draft of the proposed new Charter Section 3.104 in order to correct clerical errors.



Harvey M. Rose

cc: President Alioto
Supervisor Bierman
Supervisor Conroy
Supervisor Achtenberg
Supervisor Hallinan
Supervisor Hsieh
Supervisor Kaufman
Supervisor Kennedy
Supervisor Maher
Supervisor Migden
Supervisor Shelley
Clerk of the Board
Chief Administrative Officer
Controller
Teresa Serata
Barbara Kolesar
Ted Lakey

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RULES COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

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TUESDAY, APRIL 6, 1993 - 10:00 A.M.

ROOM 228, CITY HALL

MEMBERS: SUPERVISORS ALIOTO, BIERMAN, CONROY

CLERK: GREGOIRE HOBSON

1. File 92-92-34. Consideration of appointments of nine (9) members to the Mission Bay Hazardous Material Investigation and remediation Program (HMIRP) Citizens Advisory Committee for various terms. (Clerk of the Board)

(Continued from 3/16/93)

(Established by Ordinance No. 166-93, sponsored by Supervisor Angela Alioto - There are nine (9) vacancies.)

Applicants: Ruth Gravanis (environmental/wetlands)
John V. Wadsworth (environmental/wetlands)
Neil Gendel (environmental/hazardous materials)
Calvin Welch (non-profit housing)
Shirley J. Kohlwes (waterfront business)
Jerry Clark (adjacent neighborhood assoc.)
Corinne W. Woods (Mission Creek Harbor Assn.)
Diane Nygaard (Potrero Hill neighborhood)
Anne Lee Eng (environmental) (added 3/16/93)

ACTION:

2. File 92-93-1. Consideration of appointment of four (4) at-large members to the Commission on San Francisco's Environment, for various terms. (Clerk of the Board)
(Continued from 3/16/93)

(Established by Ordinance 349-92, sponsored by Supervisors Britt and Shelley - There are four (4) vacancies.)

Applicants: Jeffrey M. Judd
Regina Sneed
Raj T. Desai
Helen Desai
Andrea Cochran
Nathan Ratner
Isabel Wade, Ph.D.
Paul C. Okamoto
Joel Ventresca
Carmen White (added 3/15/93)
John Calteau (added 3/15/93)
Anne Lee Eng (added 3/16/93)
Ron Summers (added 3/16/93)
Steven Appleton (added 3/16/93)
Pamela Tau Lee (added 3/19/93)

ACTION:

3. File 92-93-5. Consideration of appointment of one member to the newly established Seismic Safety Bond Program Advisory Board for various terms. (Clerk of the Board)
(Continued from 2/17/93)

Applicants: Derek Y. Chan
Mitchell M. Zeemont

ACTION:

4. File 92-93-12. Consideration of appointment of member to the Citizens Advisory Committee on Elections vice Martha Gillham, deceased, for the unexpired portion of the four-year term ending May 16, 1993. (Clerk of the Board)

ACTION:

5. File 97-93-6. To consider implementing the San Francisco Sunshine Law affecting meetings, records, speech and comment. (Supervisors Achtenberg, Bierman, Hallinan, Shelley, Alioto)
(Continued from 3/16/93)

ACTION:

6. File 56-93-1. [Rules of Order] Motion amending Rules of Order of the Board of Supervisors by amending Rules 4.20, 4.31 and 4.24 to require that legislation be available to the public for 30 days before action is taken by the Board of Supervisors. (Supervisors Achtenberg, Bierman, Hallinan, Shelley, Alioto)

(Continued from 3/16/93)

ACTION:

7. File 221-93-1. [Creating Commission] Resolution creating the National Service Blue Ribbon Commission to develop a comprehensive plan in San Francisco of public service to implement the National Service Program. (Supervisors Achtenberg, Bierman)

ACTION:

RULES COMMITTEE
BOARD OF SUPERVISORS
ROOM 235, CITY HALL
SAN FRANCISCO, CA 94102

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OF SAN FRANCISCO

BOARD OF SUPERVISORS

—BUDGET ANALYST

1390 MARKET STREET, SUITE 1025

SAN FRANCISCO, CALIFORNIA 94102 • TELEPHONE (415) 554-7642

April 2, 1993

TO: Rules Committee
FROM: Budget Analyst
SUBJECT: April 6, 1993 Rules Committee Meeting

Items 5 and 6 - Files 97-93-6 and 56-93-1

Item: Ordinance amending the Administrative Code by adding Chapter 66 to provide greater public access to City records and to meetings of City Boards, Commissions, and Committees and by deleting Sections 16.5 and 16.5.1 relating to public meetings (File 97-93-6).

Motion amending Rules 4.20, 4.31, and 4.24 of the Rules of Order, Board of Supervisors, to require that legislation be available to the public for 30 days before action is taken by the Board of Supervisors (File 56-93-1)

Description: File 97-93-6

The proposed ordinance would delete existing provisions of the Administrative Code relating to special meetings of the Board of Supervisors and public testimony at public meetings. The proposed ordinance would add a new Chapter to the Administrative Code providing for greater public access to the public meetings and records of San Francisco government.

The principal provisions of the proposed ordinance, including those which, according to the City Attorney's Office, would represent the most significant change from current law, and the potential additional costs to the City where these can be identified, are as follows.

Expand the type of policy bodies required to conduct open meetings: Advisory committees and some private entities which receive City funding would be required to open their meetings to the public.

Narrow the grounds for acting on items not appearing on the agenda: Currently, a non-agenda item can be considered if a public body finds that the need to take action arose after the agenda was prepared. Under the proposed ordinance, a matter not appearing on the agenda would have to be "so imperative as to threaten serious injury to the public interest if action were deferred," in order to be acted upon.

Notification Requirements for Closed Sessions: a policy body would be required to provide specified types of information regarding the nature of proceedings which occur in closed sessions.

Limitations on Closed Sessions for "Pending Litigation:" The proposed ordinance would more narrowly define "pending litigation," so that some proceedings which could potentially involve litigation, and which currently may be discussed in closed session, would be required to be discussed in open meetings.

Reports Following Closed Sessions: Currently, a legislative body is required to report on the results of closed sessions only in actions to appoint, employ, or dismiss a public employee. With certain exceptions, the proposed ordinance would require legislative bodies to report the results of closed sessions involving real property negotiations, approval to enter into litigation, and settlement agreements.

The results of a closed session would be required to be reported by the close of business on the day following the meeting. Copies of documents relating to the subject matter of the closed session would be required to be disclosed upon request, provided that the request for information is submitted in a timely fashion, as defined in the proposed ordinance.

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No settlement agreement approved by the Board of Supervisors could include a provision to prevent the release of the settlement agreement to the public upon request.

Fiscal Impact: Additional staff may be needed by the Board of Supervisors and other boards and commissions in order to provide the information which would be required concerning closed meetings. These potential additional costs for board and commission staff are discussed below at Comment 3.

Barriers to Attendance Prohibited: Policy bodies would be required not to conduct meetings which (a) excluded persons on the basis of class identity or characteristics, (b) excluded persons with disabilities, or (c) required monetary payments or purchases in order to attend. Public address systems would be required to be modified in cases of excess capacity to reach attendees who could not enter the meeting room.

Public Testimony: Policy bodies would be required to permit public testimony concerning any item on the agenda, except at meetings of the Board of Supervisors where an item has been previously considered in committee. A policy body could adopt regulations for public testimony, provided that each speaker is allowed at least three minutes.

Minutes of Meetings Required: Each Board or Commission enumerated in the Charter (of which there are 22) would be required to prepare minutes of meetings within five business days of the meeting. Currently, such minutes of board and commission meetings are not required.

Fiscal Impact: Additional staff may be needed by boards and commissions in order to attend board and commission meetings and prepare the minutes within five days of the meeting. These potential additional costs for board and commission staff are discussed below at Comment 3.

Release of Computer Records: Information which is maintained in electronic form must be provided upon request in any format which is available to the department.

Fiscal Impact: A department could recover the cost of the electronic media (such as a computer diskette) which is used to transfer the information. However, the cost of the electronic media may not represent the full cost to the City of the information itself, since some

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electronic information is proprietary and is acquired commercially by the City.

Release of Oral Information: Currently, only information which is physically recorded must be disclosed under the Public Records Act, according to the City Attorney. Under the proposed ordinance, each department would be required to designate an employee to provide oral information to the public upon request.

Fiscal Impact: In and of itself, designating a departmental spokesperson will not result in additional costs to City departments. The potential cost of responding to requests for information are discussed below at Comment 4.

Public Review File: Boards and commissions would be required to maintain a review file containing a copy of any written communication between the policy body and the clerk of each board or commission related to matters heard by the body within the last 30 days or expected to be heard within the next 30 days.

Fiscal Impact: Additional staff may be needed by boards and commissions in order to create and maintain a review file of board and commission proceedings. These potential additional costs for board and commission staff are discussed below at Comment 3.

Disclosure of Draft Information: Draft memoranda and reports, if they are normally kept on file, must be disclosed upon request. If a draft copy of a document is not normally kept on file, its factual content is nonetheless required to be disclosed upon request, although any draft recommendations of the author could be deleted.

Disclosure of Litigation Material: When litigation involving the City is finally adjudicated or otherwise settled, records of all communications between the parties would be subject to disclosure, including the text and terms of any settlement.

Disclosure of Personnel Records: The proposed ordinance provides that non-identifying information concerning the City's work force, including resumes, job descriptions, and other records of employees' experience and qualifications, would be subject to disclosure. In addition, records of confirmed misconduct by a City employee which involves personal dishonesty, misappropriation of funds, unlawful

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discrimination, abuse of authority, or violence, would be subject to disclosure.

Law Enforcement Records: Records related to law enforcement activity would be subject to disclosure, with certain exceptions, once the "prospect of an enforcement action has been terminated by either a court or a prosecutor."

Attorney-Client Communications: Communications between the Board of Supervisors and the City Attorney would be subject to disclosure to the extent that they involve the City Attorney's analysis of proposed legislation, interpretation of the Brown Act, the Public Records Act, or other laws governing the public's access to information.

Contracts, Bids and Proposals: All communications related to contracts, bids, and proposals, except proprietary financial information, would be subject to disclosure after the contract is awarded.

Budgets and Payment Records: All City budgets, and all City payments, invoices, and vouchers, except records of payments which are confidential by law, would be subject to disclosure.

Personal Privacy Exemption: Currently, government agencies can refuse to disclose information which would result in an invasion of privacy. The proposed ordinance would require City employees to assist in efforts to contact persons whose privacy interests are involved in a request for information, in an effort to determine whether they will grant permission for release of the information.

Fiscal Impact: According to the City Attorney, this provision regarding the treatment of personal privacy represents a significant change from existing law concerning a public agency's responsibility to provide information in which private citizens have a privacy interest. The proposed ordinance provides that a department may charge the requesting party a fee for staff time exceeding 15 minutes for (1) determining the number of persons whose privacy interests are implicated in the request and (2) affixing mailing addresses to letters to be sent to such persons. However, any costs to locate, analyze, or compile the information in accordance with the requirements for disclosure are not subject to the reimbursement provisions.

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Immediacy of Response: Currently, government agencies may take up to 10 days to respond to requests for information, and up to 20 days if a need for additional time can be shown.

The proposed ordinance provides that, for requests received before 12:00 noon, the requested information must be provided before the close of business on the day of the request; for requests received after noon, the reply must be made no later than the following day, provided that the requesting party specifically requests an immediate response. The department must notify the requesting party within these deadlines if the department's response will require an extension of up to 10 days, due to the voluminous nature of the request, the need to consult with other departments, or the need to obtain documents stored in remote locations.

Burdensome Requests: Currently, government agencies can withhold records that contain confidential information, if the separation of confidential and non-confidential information would be so burdensome as to outweigh the public interest in disclosure. The proposed ordinance would eliminate this exemption from disclosure. Rather, departments would be required to edit public records to delete confidential information, and to footnote the record to show the reason why information was deleted at each point.

Fiscal Impact: This provision would require departments to delete confidential information instead of withholding a document entirely. The proposed ordinance provides that any staff time needed in excess of one hour to edit and footnote the document may be charged to the requesting party. However, the proposed ordinance specifically provides that the staff time needed to locate the record, determine which sections are exempt from disclosure, and determine the justification for withholding the information, could not be charged to the requesting party.

Fees Allowed for Duplication of Records: For documents which are routinely produced in multiple copies for distribution, a fee of one cent (\$.01) per page may be charged, in addition to any postage costs. For documents which are assembled and copies to the order of the requester, a fee not to exceed ten cents (\$.10) per page may be charged.

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Higher fees may be charged only if an itemized cost analysis is performed which reflects the cost of one sheet of paper, one cycle of the copy machine, and the labor cost to operate the machine, calculated as the operator's salary cost per minute divided by the number of copies which can be made per minute on the machine in question.

Fiscal Impact: This provision will allow the City to recover \$.01 per page for documents which are ordinarily widely distributed, or \$.10 per page for specific requested documents. To the extent that these amounts reflect the City's actual costs for duplication, the City will not incur additional expenses for duplicating public documents which are requested under the ordinance.

Task Force on Implementation of the Ordinance: The proposed ordinance would establish a Task Force, comprised of seven members appointed by the Board of Supervisors. Members would serve without compensation, and would consist of the following representatives:

Two members nominated by the local chapter of the Society of Professional Journalists, including one attorney and one journalist.

One member nominated by the Radio- Television- News- Directors Association.

One member nominated by the League of Women Voters.

One member nominated by the San Francisco Community Fund.

Two members of the public who have demonstrated interest or experience in issues of public access to local government.

In addition to the seven members appointed by the Board of Supervisors, the Chief Administrative Officer or his or her designee would be an ex-officio member of the Task Force, and the City Attorney would serve as legal advisor to the Task Force.

Fiscal Impact: To the extent that employees of the City Attorney or Chief Administrative Officer participate in Task Force activities, the City could incur additional costs.

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File 56-93-1

The proposed motion would amend the Rules of Order of the Board of Supervisors to provide as follows:

Rule 4.20 would be amended to provide that, following referral from committee to the Board of Supervisors, a measure must be available for public review for 30 days before action is taken by the full Board of Supervisors. However, on the day that a proposed resolution or motion is introduced, the Board of Supervisors may, by unanimous vote of the members present, dispense with the 30-day waiting period and approve adoption.

Rule 4.31 would be amended to provide that resolutions introduced for immediate adoption without reference to committee would require a 30 day waiting period, unless a written request is received by the sponsor and unanimous consent is given by the members present that an "urgent need exists" to dispense with the 30-day waiting period. Rule 4.31 would also be amended to reflect that measures which are introduced during roll call for immediate adoption would be considered at a meeting which is held 31 days from the date the resolution is introduced.

Rule 4.24 would be amended to reflect that a committee shall not forward a recommendation to the full Board of Supervisors regarding a proposed amendment or addition to the Municipal or Administrative Codes or the City Charter, unless the text of the measure has been available for public inspection for at least 30 days prior to the hearing.

Comments:

File 97-93-6

1. The City Attorney states that the State Legislature is considering legislation (SB 36) similar to the provisions of the proposed ordinance concerning public meetings, and that legislation may soon be introduced that may be similar to the provisions of the proposed ordinance relating to the disclosure of public records. The City attorney advises that, if the State enacts such legislation, the State may be required to reimburse the City for the cost of implementing the new "open government" mandates, but that, if the Board of Supervisors imposes similar obligations on itself before similar State legislation is approved, then the State would not be required to reimburse the City for the cost of the new

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programs. In other words, if the State enacts pending legislation to provide greater public access to local government, then the City may receive reimbursement from the State; however, if the City enacts similar legislation before the State acts, then San Francisco would not be reimbursed by the State for creating greater public access to local government.

According to the City Attorney's Office, SB 36 contains a finding that it would not impose new State mandates on local government. Therefore, the provision of State reimbursements may be subject to further review and possible litigation in order for the City to be reimbursed, even if the legislation is approved, according to the City Attorney's Office. As noted above, SB 36, which concerns access to public meetings, is still pending before the State Legislature, and the potential State legislation concerning access to public records has not yet been introduced.

2. The City Attorney also notes that the City will be required to meet and confer with employee organizations concerning Section 66.24 of the proposed ordinance concerning the release of personnel records, and that this process must be completed before the Board of Supervisors adopts the ordinance.

3. The proposed ordinance would require the City to provide more detailed information and documentation of proceedings which now occur in closed session, to provide minutes of board and commission meetings, and to create public review files of board and commission correspondence. These provisions would impose new fixed costs, meaning that the costs would not depend on the extent to which public information was actually requested under the provisions of the proposed ordinance.

The 1992-93 maximum annual salary cost, including fringe benefits, for a Class 1492 Assistant Clerk, Board of Supervisors, is \$74,315. If an additional 0.5 FTE Assistant Clerk were needed by the Board of Supervisors to document proceedings which occur in closed session, the annual cost to the City of this provision would be approximately \$37,158.

If an additional .25 FTE Principal Clerk were needed by each of the 22 City boards and commissions which are enumerated in the Charter to prepare minutes of meetings and to create public review files of board and commission correspondence,

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the total annual salary and fringe benefit cost would be approximately \$278,570.

The Budget Analyst estimates that the additional responsibilities to document closed sessions, to provide minutes of board and commission meetings, and to create public review files for board and commission correspondence could reasonably be expected to impose new salary and fringe benefit costs of at least \$315,728 annually (\$37,158 + \$278,570).

4. The fiscal impact of the remaining provisions of the proposed ordinance (File 97-93-6) will depend on the extent to which information or documentation is actually requested by the public, and therefore would impose variable costs which cannot be precisely estimated at this time. However, the amount of information which would be subject to disclosure under the proposed ordinance would be substantial, including personnel records, law enforcement records, documentation of contracts, bids, and proposals received by the City, and records of the City's payments to vendors, in addition to the correspondence, memoranda, and reports, in both draft and final form, which the City prepares. In addition, the proposed ordinance provides that information would be required to be provided within 30 hours of the request, at the latest.

Given the scope of the proposed ordinance, the Budget Analyst considers the addition of two Class 1312 Public Information Officers (to respond to requests for information and assist departments in providing the information) to be a reasonable minimum estimate of the staff resources needed to implement the ordinance. The addition of two Class 1312 Public Information Officers would impose new salary and fringe benefit costs of approximately \$112,568 annually, based on the 1992-93 maximum salary amount in Class 1312 of \$44,318 and fringe benefits of 27 percent.

Thus, \$112,568 represents the Budget Analyst's minimum estimate of new staff resources which will be needed to respond to requests for information under the proposed ordinance. However, the Budget Analyst believes that the estimated minimum salary and fringe benefit costs of \$112,568 could increase substantially, depending on the extent to which information requests are actually received, and the complexity of the requests.

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5. The cost to the City of providing public information would be offset by fees which the City could charge 1) to assist in locating private citizens whose privacy interests are involved in a request for information, or 2) to edit and footnote documents which are not required, or not permitted, to be disclosed in their entirety. In addition, fees for duplication of documents may be charged at \$.01 per page for documents ordinarily produced for distribution, and \$.10 per page for documents provided in response to a specific request for information.

However, the City's costs to determine which parts of a document need not (or must not) be disclosed are specifically excluded from the reimbursement provisions of the proposed ordinance. Moreover, the proposed ordinance does not provide for reimbursement of the City's labor costs for departmental staff to interact with persons requesting information, identify the information which is needed, verify the existence of the record, locate the record, copy the record, contact the requesting party, prepare any records which are mailed, respond to questions, etc.

Therefore, although some departmental staff time, involving (1) locating private citizens whose privacy is affected by the request and (2) footnoting documents which have been abridged, would be subject to reimbursement by the requesting party, reimbursement would not be received for the City's costs to provide most of the information which is subject to disclosure under the proposed ordinance. Therefore, in the judgment of the Budget Analyst, the reimbursement provisions of the proposed ordinance will not recover all of the City's costs to comply with the proposed ordinance.

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6. In summary, the Budget Analyst estimates the annual costs of implementing the proposed ordinance as follows:

Fixed Costs:

To document closed sessions, provide minutes of all board and commission meetings, and create public review files of board and commission correspondence: (0.5 FTE Assistant Clerk for the Board of Supervisors and 0.25 FTE Principal Clerk for 22 other boards and commissions):

\$315,728

Variable Costs

To respond to specific requests for information which is subject to disclosure under the proposed ordinance:

Minimum Estimate (2 full-time Public Information Officers):

112,568

Total Estimated Minimum Annual Costs

\$428,296

Therefore, the Budget Analyst believes that a reasonable estimate of the minimum annual cost to implement the proposed ordinance is \$428,296. However, as previously noted, the estimated minimum annual cost of \$428,296 could increase substantially, depending on the extent to which information requests are actually received by City departments and depending on the complexity of the requests.

File 56-93-1

7. The Budget Analyst has not identified any costs associated with the proposed motion to amend the Rules of Order of the Board of Supervisors, which would require that legislation be available for public review for at least 30 days before action is taken by the Board of Supervisors. The 30-day waiting period could be waived if the Board of Supervisors unanimously agreed that an "urgent need" exists to dispense with the waiting period.

Recommendations: 1. Approval of the proposed ordinance (File 97-93-6) is a policy matter for the Board of Supervisors.

2. Approval of the proposed motion (File 56-93-1) is a policy matter for the Board of Supervisors.

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Memo to Rules Committee
April 6, 1993 Rules Committee Meeting



Harvey M. Rose

cc: President Alioto
Supervisor Bierman
Supervisor Conroy
Supervisor Achtenberg
Supervisor Hallinan
Supervisor Hsieh
Supervisor Kaufman
Supervisor Kennedy
Supervisor Maher
Supervisor Migden
Supervisor Shelley
Clerk of the Board
Chief Administrative Officer
Controller
Teresa Serata
Barbara Kolesar
Ted Lakey

BOARD OF SUPERVISORS
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CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

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DOCUMENTS DEPT

April 30, 1993

MAY 4 - 1993

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TO: Joint Rules Committee/Budget Committee
FROM: Budget Analyst *Recommendations.*
SUBJECT: May 4, 1993 Joint Rules/Budget Committee Meeting

Items 1 and 2 - Files 97-93-6 and 56-93-1

Note: This item was referred to the Joint Rules and Budget Committee Meeting from the Rules Committee Meeting of April 6, 1993. The Budget Analyst has been advised by the City Attorney's office that an Amendment of the Whole will be submitted at a later date. The following report pertains to the proposed legislation which is currently on file with the Clerk of the Board of Supervisors.

The Budget Analyst's minimum annual cost estimate to implement the proposed ordinance is \$355,579 or \$72,717 less than our previous estimate of \$428,296 as reported to the Board of Supervisors on April 2, 1993. The \$72,717 reduction in our estimate is based on (a) additional analysis of the estimated number of meetings held annually by City Boards and Commissions and (b) a more detailed analysis of the minimum resources needed to implement the legislation. Our projected costs are based on all potential costs of the legislation which we have identified to date.

The \$355,579 estimated minimum annual cost to the City is the Budget Analyst's estimate of the fiscal impact of the legislation, defined as the estimated cost of performing services which would be mandated under the proposed ordinance but which the City is not currently required to perform. Thus, the estimate represents a baseline budget estimate of the minimum resources which, in the

Memo to Joint Rules/Budget Committee
May 4, 1993 Joint Rules/Budget Committee Meeting

judgement of the Budget Analyst, the City would need to devote annually in order to successfully implement the new public meeting requirements of the legislation for each of approximately 917 Board and Commission meetings which are conducted annually, and to respond to the proposed new mandates governing the release of public records.

Our estimate is a determination of the fiscal impact of proposed new legal mandates. The Budget Analyst has not surveyed the City's Boards, Commissions, and Departments to evaluate whether, or to what extent, additional budgetary appropriations would be needed to ensure compliance with the legislation. Until a funding request is made, either in the annual budget or through a supplemental appropriation request, the precise cost of the proposed legislation will not be known. The Budget Analyst has not reported that the City must therefore appropriate funds in the amount of \$355,579 annually in order to comply with the proposed legislation. To the extent that City Boards and Commissions may already be performing functions which would be newly mandated under the proposed ordinance, or could perform these mandates with existing resources, the additional cost to the City of implementing the legislation would be less than the \$355,579 estimated minimum cost to the City of performing the new mandates of the legislation.

As previously stated in our report of April 2, 1993, the Budget Analyst believes that the estimated minimum cost to the City could increase substantially, depending on the nature and extent of information requests which are received by City departments pursuant to the public records requirements of the proposed ordinance (see Comment 3).

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Item: Ordinance amending the Administrative Code by adding Chapter 66 to provide greater public access to City records and to meetings of City Boards, Commissions, and Committees and by deleting Sections 16.5 and 16.5.1 relating to public meetings (File 97-93-6).

Motion amending Rules 4.20, 4.31, and 4.24 of the Rules of Order, Board of Supervisors, to require that legislation be available to the public for 30 days before action is taken by the Board of Supervisors (File 56-93-1)

Description: **File 97-93-6**

The proposed ordinance would delete existing provisions of the Administrative Code relating to special meetings of the Board of Supervisors and public testimony at public meetings. The proposed ordinance would add a new Chapter to the Administrative Code providing for greater public access to the public meetings and records of San Francisco government.

The principal provisions of the proposed ordinance, including those which, according to the City Attorney's Office, would represent the most significant change from current law, and the potential additional costs to the City where these can be identified, are as follows.

Expand the type of policy bodies required to conduct open meetings: Advisory committees and some private entities which receive City funding would be required to open their meetings to the public.

Narrow the grounds for acting on items not appearing on the agenda: Currently, a non-agenda item can be considered if a policy body finds that the need to take action arose after the agenda was prepared. Under the proposed ordinance, a matter not appearing on the agenda would have to be "so imperative as to threaten serious injury to the public interest if action were deferred," in order to be acted upon.

Notification Requirements for Closed Sessions: A policy body would be required to provide specified types of information regarding the nature of proceedings which occur in closed sessions.

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The proposed ordinance includes specific information requirements for agendas of closed meetings related to the following types of proceedings: license/permit determinations; conferences with real property negotiators; conferences with legal counsel; threats to public services or facilities; public employee appointments or hiring; public employee performance evaluations; public employee dismissals; and conferences with the City's negotiator in collective bargaining proceedings.

Limitations on Closed Sessions for "Pending Litigation:" The proposed ordinance would more narrowly define "pending litigation," so that some proceedings which could potentially involve litigation, and which currently may be discussed in closed session, would be required to be discussed in open meetings.

Reports Following Closed Sessions: Currently, a legislative body is required to report on the results of closed sessions only in actions to appoint, employ, or dismiss a public employee. With certain exceptions, the proposed ordinance would require legislative bodies to report the results of closed sessions involving real property negotiations, approval to enter into litigation, and settlement agreements.

The results of a closed session would be required to be reported by the close of business on the day following the meeting. Copies of documents relating to the subject matter of the closed session would be required to be disclosed upon request, provided that the request for information is submitted in a timely fashion, as defined in the proposed ordinance.

No settlement agreement approved by the Board of Supervisors could include a provision to prevent the release of the settlement agreement to the public upon request.

Fiscal Impact: Additional resources may be needed by the Board of Supervisors and other boards and commissions in order to provide the information which would be required concerning closed meetings. These potential additional costs for board and commission staff are discussed below at Comment 2.

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Barriers to Attendance Prohibited: Policy bodies would be required not to conduct meetings which (a) excluded persons on the basis of class identity or characteristics, (b) excluded persons with disabilities, or (c) required monetary payments or purchases in order to attend. Public address systems would be required to be modified in cases of excess capacity to reach attendees who could not enter the meeting room.

Public Testimony: Policy bodies would be required to permit public testimony concerning any item on the agenda, except at meetings of the Board of Supervisors where an item has been previously considered in committee. A policy body could adopt regulations for public testimony, provided that each speaker is allowed at least three minutes.

Minutes of Meetings Required: Each Board or Commission enumerated in the Charter (of which there are 22) would be required to prepare minutes of meetings within five business days of the meeting. Currently, such minutes of board and commission meetings are not required.

Fiscal Impact: Additional resources may be needed by boards and commissions in order to attend board and commission meetings and prepare the minutes within five days of the meeting. These potential additional costs for board and commission staff are discussed below at Comment 2.

Release of Computer Records: Information which is maintained in electronic form must be provided upon request in any format which is available to the department.

Fiscal Impact: A department could recover the cost of the electronic media (such as a computer diskette) which is used to transfer the information. However, the cost of the electronic media may not represent the full cost to the City of the information itself, since some electronic information is proprietary and is acquired commercially by the City.

Release of Oral Information: Currently, only information which is physically recorded must be disclosed under the Public Records Act, according to the City Attorney. Under the proposed ordinance, each department would be required to designate an employee to provide oral information to the public upon request.

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Fiscal Impact: In and of itself, designating a departmental spokesperson will not result in additional costs to City departments. The potential cost of responding to requests for information are discussed below at Comment 3.

Public Review File: Boards and commissions would be required to maintain a review file containing a copy of any written communication between the policy body and the clerk of each board or commission related to matters heard by the body within the last 30 days or expected to be heard within the next 30 days.

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Disclosure of Draft Information: Draft memoranda and reports, if they are normally kept on file, must be disclosed upon request. If a draft copy of a document is not normally kept on file, its factual content is nonetheless required to be disclosed upon request, although any draft recommendations of the author could be deleted.

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Fiscal Impact: According to the City Attorney, this provision regarding the treatment of personal privacy represents a significant change from existing law concerning a public agency's responsibility to provide information in which private citizens have a privacy interest. The proposed ordinance provides that a department may charge the requesting party a fee for staff time exceeding 15 minutes for (1) determining the number of persons whose privacy interests are implicated in the request and (2) affixing mailing addresses to letters to be sent to such persons. However, any costs to locate, analyze, or compile the information in accordance with the requirements for disclosure are not subject to the reimbursement provisions.

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than the following day, provided that the requesting party specifically requests an immediate response. The department must notify the requesting party within these deadlines if the department's response will require an extension of up to 10 days, due to the voluminous nature of the request, the need to consult with other departments, or the need to obtain documents stored in remote locations.

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reflect the City's actual costs for duplication, the City will not incur additional expenses for duplicating public documents which are requested under the ordinance.

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One member nominated by the Radio- Television- News- Directors Association.

One member nominated by the League of Women Voters.

One member nominated by the San Francisco Community Fund.

Two members of the public who have demonstrated interest or experience in issues of public access to local government.

In addition to the seven members appointed by the Board of Supervisors, the Chief Administrative Officer or his or her designee would be an ex-officio member of the Task Force, and the City Attorney would serve as legal advisor to the Task Force.

Fiscal Impact: To the extent that employees of the City Attorney or Chief Administrative Officer participate in Task Force activities, the City could incur additional costs.

File 56-93-1

The proposed motion would amend the Rules of Order of the Board of Supervisors to provide as follows:

Rule 4.20 would be amended to provide that, following referral from committee to the Board of Supervisors, a measure must be available for public review for 30 days before action is taken by the full Board of Supervisors. However, on the day that a proposed resolution or motion is introduced,

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BUDGET ANALYST

the Board of Supervisors may, by unanimous vote of the members present, dispense with the 30-day waiting period and approve adoption.

Rule 4.31 would be amended to provide that resolutions introduced for immediate adoption without reference to committee would require a 30 day waiting period, unless a written request is received by the sponsor and unanimous consent is given by the members present that an "urgent need exists" to dispense with the 30-day waiting period. Rule 4.31 would also be amended to reflect that measures which are introduced during roll call for immediate adoption would be considered at a meeting which is held 31 days from the date the resolution is introduced.

Rule 4.24 would be amended to reflect that a committee shall not forward a recommendation to the full Board of Supervisors regarding a proposed amendment or addition to the Municipal or Administrative Codes or the City Charter, unless the text of the measure has been available for public inspection for at least 30 days prior to the hearing.

Comments:

File 97-93-6

1. The City Attorney reports that the City will be required to meet and confer with employee organizations concerning Section 66.24 of the proposed ordinance concerning the release of personnel records, and that this process must be completed before the Board of Supervisors adopts the ordinance.

2. Under the new public meeting requirements of the proposed ordinance which have been identified by the City Attorney, the City would be required to provide more detailed information and documentation of proceedings which occur in closed session, to provide minutes of all board and commission meetings, and to create public review files of board and commission correspondence. These provisions would impose new fixed costs, meaning that the costs would not depend on the extent to which public information was actually requested under the provisions of the proposed ordinance.

Based on approximately 917 meetings which are conducted annually by the Board of Supervisors, the 22 Boards and Commissions enumerated in the Charter, and 6 additional Commissions established by ordinance, the Budget Analyst

F **BOARD OF SUPERVISORS**
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estimates that the total annual cost to the City to comply with the new public meeting requirements of the proposed ordinance, including documentation of closed sessions, creating public review files of Board and Commission correspondence, and preparing the minutes of meetings, would be approximately \$141,789. This figure is based on salary and fringe benefits costs of \$35.60 per hour, including fringe benefits, for a Class 1492 Assistant Clerk for the Board of Supervisors over a total of approximately 1,339 hours annually (\$47,676), and salary and fringe benefit costs of \$24.26 per hour, including fringe benefits, for a Class 1408 Principal Clerk over a total of approximately 3,879 hours annually (\$94,113).

The above estimates are equivalent to the services of approximately 2.5 FTEs annually to document closed sessions, prepare minutes, and create public review files for approximately 917 meetings which are conducted annually by City Boards and Commissions, or an average of approximately 5.7 hours per meeting.

3. The fiscal impact of the public record provisions of the proposed ordinance (File 97-93-6) will depend on the extent to which information is actually requested by the public, and therefore would impose variable costs which cannot be precisely estimated at this time. However, the amount of information which would be subject to disclosure under the public records provisions of the proposed ordinance would be substantial, including personnel records, law enforcement records, documentation of contracts, bids, and proposals received by the City, and records of the City's payments to vendors, in addition to all of the correspondence, memoranda, and reports, in both draft and final form, which the City prepares. In addition, the proposed ordinance provides that information would be required to be provided within 30 hours of the request, at the latest.

Given the scope of the proposed ordinance, the Budget Analyst considers that a reasonable minimum estimate of the resources needed to implement the public records requirements of the proposed ordinance would be as follows:

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BUDGET ANALYST

Memo to Joint Rules/Budget Committee
May 4, 1993 Joint Rules/Budget Committee Meeting

	FTE	Amount
1312 Public Information Officer	2.0	\$88,636
1446 Secretary	1.0	36,566
9765 Assistant to CAO	.10	6,587
8174 Civil Attorney	<u>.05</u>	<u>2,882</u>
Subtotal:	3.15	\$134,671
Fringe benefits @ 27 percent		<u>36,361</u>
Total Estimated Direct Costs		\$171,032
Indirect Costs @ 25 percent		<u>42,758</u>
Total Estimated Minimum Costs for Public Records:		\$213,790

As shown above, this estimate represents the services of approximately 3.15 FTE's to ensure compliance with the new public records requirements of the proposed ordinance for 28 City Boards and Commissions (and a larger number of departments), including 22 enumerated in the Charter and 8 established by ordinance of the Board of Supervisors. The services of the estimated 3.15 FTE's would be equivalent, on average, to 4.5 hours per week of services provided by each of the City's 28 Boards and Commissions.

However, the Budget Analyst believes that the estimated minimum costs of \$213,790 to comply with the proposed public records requirements could increase substantially, depending on the extent to which information requests are actually received, and on the nature and complexity of the requests.

4. The cost to the City of providing public information would be offset by fees which the City could charge 1) to assist in locating private citizens whose privacy interests are involved in a request for information, or 2) to edit and footnote documents which are not required, or not permitted, to be disclosed in their entirety. In addition, fees for duplication of documents may be charged at \$.01 per page for documents ordinarily produced for distribution, and \$.10 per page for documents provided in response to a specific request for information.

However, the City's costs to determine which parts of a document need not (or must not) be disclosed are specifically excluded from the reimbursement provisions of the proposed ordinance. Moreover, the proposed ordinance does not provide for reimbursement of the City's labor costs for departmental staff to interact with persons requesting

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information, identify the information which is needed, verify the existence of the record, locate the record, copy the record, contact the requesting party, prepare any records which are mailed, respond to questions, etc.

Therefore, although some departmental staff time, involving (1) locating private citizens whose privacy is affected by the request and (2) footnoting documents which have been abridged, would be subject to reimbursement by the requesting party, reimbursement would not be received for the City's costs to provide most of the information which is subject to disclosure under the proposed ordinance. Therefore, in the judgment of the Budget Analyst, the reimbursement provisions of the proposed ordinance will not recover all of the City's costs to comply with the proposed ordinance.

5. In summary, the Budget Analyst estimates the annual costs of implementing the proposed ordinance as follows:

Public Meetings:

To document closed sessions, provide agendas and minutes of all board and commission meetings, and create public review files: \$141,789

Public Records:

To respond to requests for information under the public records requirements of the proposed ordinance: 213,790

Total Estimated Minimum Annual Costs \$355,579

Therefore, the Budget Analyst believes that a reasonable estimate of the minimum annual cost to implement the proposed ordinance is \$355,579. However, as previously noted, the estimated minimum annual cost of \$355,579 could increase substantially, depending on the extent to which information requests are actually received by City departments, and the nature and complexity of the requests.

6. Any request by City departments for additional resources to implement the proposed ordinance would be subject to review by the Mayor and the Board of Supervisors during the annual budget review or as a supplemental appropriation request. As with any appropriation request, the Budget Analyst will not recommend additional expenditures unless a specific need for such expenditures can be demonstrated by the requesting department.

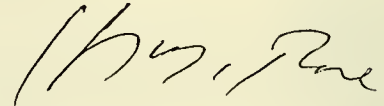
BOARD OF SUPERVISORS
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File 56-93-1

7. The Budget Analyst has not identified any costs associated with the proposed motion to amend the Rules of Order of the Board of Supervisors, which would require that legislation be available for public review for at least 30 days before action is taken by the Board of Supervisors. The 30-day waiting period could be waived if the Board of Supervisors unanimously agreed that an "urgent need" exists to dispense with the waiting period.

Recommendations: 1. Approval of the proposed ordinance (File 97-93-6) is a policy matter for the Board of Supervisors. As previously noted, the Budget Analyst has been advised that an Amendment of the Whole for this legislation is expected to be submitted in the future.

2. Approval of the proposed motion (File 56-93-1) is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: President Alioto
Supervisor Migden
Supervisor Bierman
Supervisor Hsieh
Supervisor Conroy
Supervisor Achtenberg
Supervisor Hallinan
Supervisor Kaufman
Supervisor Kennedy
Supervisor Maher
Supervisor Shelley
Clerk of the Board
Chief Administrative Officer
Controller
Teresa Serata
Barbara Kolesar
Ted Lakey

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OF SAN FRANCISCO

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DOCUMENTS DEPT.

MAY 18 1993

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PUBLIC LIBRARY

May 14, 1993

TO: Rules Committee
FROM: Budget Analyst *Recommendations.*
SUBJECT: May 18, 1993 Rules Committee Meeting

Items 9 and 10 - Files 97-93-6 and 56-93-1

Note: The Budget Analyst previously reported on the proposed ordinance (File 97-93-6) and the proposed motion amending the Rules of Order (File 56-93-1) in a report to the Rules Committee dated April 6, 1993, and in a report dated April 30, 1993 to a Joint Rules Committee and Budget Committee.

The City Attorney has now prepared and submitted an Amendment of the Whole for the proposed ordinance (File 97-93-6). The new and deleted provisions of the Amendment of the Whole are described below. The latest cost estimates of the Budget Analyst are based on the Amendment of the Whole.

Item: Ordinance amending the Administrative Code by adding Chapter 66 to provide greater public access to City records and to meetings of City Boards, Commissions, and Committees and by deleting Sections 16.5 and 16.5.1 relating to public meetings (File 97-93-6).

Motion amending Rules 4.20, 4.31, and 4.24 of the Rules of Order, Board of Supervisors, to require that legislation be available to the public for 30 days before action is taken by the Board of Supervisors (File 56-93-1).

Description: **File 97-93-6**

The proposed ordinance would delete existing provisions of the Administrative Code relating to special meetings of the Board of Supervisors and public testimony at public meetings. The proposed ordinance would add a new Chapter to the Administrative Code providing for greater public access to the public meetings and records of San Francisco government.

The principal provisions of the proposed ordinance, including those which, according to the City Attorney's Office, would represent the most significant change from current law, and the potential additional costs to the City where these can be identified, are as follows.

Expand the type of policy bodies required to conduct open meetings: Private entities which receive City funding would be required to open their meetings to the public, if the body conducts government business related to "the furtherance of health, safety, or welfare."

Narrow the grounds for acting on items not appearing on the agenda: Currently, a non-agenda item can be considered if a policy body finds that the need to take action arose after the agenda was prepared. Under the proposed ordinance, a matter not appearing on the agenda would have to be "so imperative as to threaten serious injury to the public interest if action were deferred," or be "purely commendatory" action, in order to be acted upon.

Notification Requirements for Closed Sessions: A policy body would be required to provide specified types of information regarding the nature of proceedings which occur in closed sessions.

The proposed ordinance includes specific information requirements for agendas of closed meetings related to the following types of proceedings: license/permit determinations; conferences with real property negotiators; conferences with legal counsel; threats to public services or facilities; public employee appointments or hiring; public employee performance evaluations; public employee dismissals; and conferences with the City's negotiator in collective bargaining proceedings.

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Reports Following Closed Sessions: Currently, a legislative body is required to report on the results of closed sessions only in actions to appoint, employ, or dismiss a public employee. With certain exceptions, the proposed ordinance would require legislative bodies to report the results of closed sessions involving real property negotiations, approval to enter into litigation, and settlement agreements.

The results of a closed session would be required to be reported by the close of business on the day following the meeting. Copies of documents relating to the subject matter of the closed session would be required to be disclosed upon request, provided that the request for information is submitted in a timely fashion, as defined in the proposed ordinance.

No settlement agreement approved by the Board of Supervisors could include a provision to prevent the release of the settlement agreement to the public upon request. However, this provision would not apply to the Public Utilities Commission, Port Commission, and Airports Commission.

Barriers to Attendance Prohibited: Policy bodies would be required not to conduct meetings which (a) excluded persons on the basis of class identity or characteristics, (b) excluded persons with disabilities, or (c) required monetary payments or purchases in order to attend. Public address systems would be required to be modified in cases of excess capacity to reach attendees who could not enter the meeting room.

The proposed Amendment of the Whole reflects that Boards and Commission enumerated in the Charter would be required to provide sign language interpreters or note-takers, upon request, at each regular meeting; to provide accessible seating for persons with disabilities; and to include on each published agenda a request that individuals refrain from wearing scented products.

According to the City Attorney's Office, the City is currently required under the U.S. Americans with Disabilities Act of 1990 to eliminate barriers to attendance such as those which would be prohibited under the proposed ordinance.

Tape Recordings of Meetings: Each Board or Commission enumerated in the Charter would be required to tape record each regular and special meeting. The recordings must be maintained for at least 7 days, or until a specific request for access to the tape recording has been satisfied.

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Public Testimony: Policy bodies would be required to permit public testimony concerning any item on the agenda, except at meetings of the Board of Supervisors where an item has been previously considered in committee. A policy body could adopt regulations for public testimony, provided that each speaker is allowed at least three minutes.

Minutes of Meetings Required: Each Board or Commission enumerated in the Charter (of which there are 22) would be required to prepare minutes of meetings. Draft copies of the minutes would be required to be made available within 10 days of the meeting; the official minutes would be required to be made available no later than 10 working days following official adoption of the minutes by the board or commission. Minutes of meetings would be required to be made available in braille or increased type size, upon request. Currently, minutes of board and commission meetings are not required.

Release of Computer Records: Information which is maintained in electronic form must be provided upon request in any format which is available to the department. However, under the proposed Amendment of the Whole, the City would not be required to make information accessible by computer modem, nor to take actions which would violate any applicable copyright laws or licensing agreements.

Release of Oral Information: Currently, only information which is physically recorded must be disclosed under the Public Records Act, according to the City Attorney. Under the proposed ordinance, each department would be required to designate an employee to provide oral information to the public upon request.

The proposed Amendment of the Whole reflects that a City employee would not be required to respond to an inquiry which required more than 15 minutes of the employee's time in order to obtain the information requested.

Public Review File: Boards and commissions would be required to maintain a review file containing a copy of any written communication between the policy body and the clerk of each board or commission related to matters heard by the body within the last 30 days or expected to be heard within the next 30 days. Under the proposed Amendment of the Whole, memoranda from department staff would not be required to be included in the review file.

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Disclosure of Draft Information: Draft memoranda and reports, if they are normally kept on file, must be disclosed upon request. If a draft copy of a document is not normally kept on file, its factual content is nonetheless required to be disclosed upon request, although any draft recommendations of the author could be deleted.

Under the proposed Amendment of the Whole, draft copies of contracts need not be disclosed until after the agreement has been entered into, if the department can demonstrate that the public interest in disclosure is outweighed by other interests.

Disclosure of Litigation Material: When litigation involving the City is finally adjudicated or otherwise settled, records of all communications between the parties would be subject to disclosure, including the text and terms of any settlement.

Disclosure of Personnel Records: The proposed ordinance provides that non-identifying information concerning the City's work force, including resumes, job descriptions, and other records of employees' experience and qualifications, would be subject to disclosure.

Under the proposed Amendment of the Whole, records of confirmed misconduct by a City employee involving personal dishonesty, misappropriation of funds, unlawful discrimination, abuse of authority, or violence, would not be subject to disclosure.

Law Enforcement Records: Records related to law enforcement activity would be subject to disclosure, with certain exceptions, once the "prospect of an enforcement action has been terminated by either a court or a prosecutor." The names of witnesses, confidential sources, and "any analysis of a police officer" are among the recognized exceptions to disclosure requirements.

Attorney-Client Communications: Communications between the Board of Supervisors and the City Attorney would be subject to disclosure to the extent that they involve the City Attorney's analysis or interpretation of the Brown Act, the Public Records Act, or other laws governing the public's access to information.

Contracts, Bids and Proposals: All communications related to contracts, bids, and proposals, except proprietary financial information, would be subject to disclosure after the contract is awarded.

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Budgets and Payment Records: All City budgets, and all City payments, invoices, and vouchers, except records of payments which are confidential by law, would be subject to disclosure.

Personal Privacy Exemption: Currently, government agencies can refuse to disclose information which would result in an invasion of privacy. The proposed ordinance, as originally submitted, would have required City employees to assist in efforts to contact persons whose privacy interests are involved in a request for information, in an effort to determine whether they will grant permission for release of the information. However, the proposed Amendment of the Whole reflects the deletion of this proposed provision.

Immediacy of Response: Currently, government agencies may take up to 10 days to respond to requests for information, and up to 20 days if a need for additional time can be shown.

The proposed Amendment of the Whole reflects that requested information must be provided before the close of business on the day following receipt of the request, provided that the requesting party specifically requests an immediate response. The department must notify the requesting party prior to this deadline if the department's response will require an extension of up to 10 days, due to the voluminous nature of the request, the need to consult with other departments, or the need to obtain documents stored in remote locations.

Burdensome Requests: Currently, government agencies can withhold records that contain confidential information, if the separation of confidential and non-confidential information would be so burdensome as to outweigh the public interest in disclosure. The proposed ordinance would eliminate this exemption from disclosure. Rather, departments would be required to edit public records to delete confidential information, and to footnote the record to show the reason why information was deleted at each point.

The proposed Amendment of the Whole provides that any staff time needed in excess of one hour to determine the portions of the record which would be subject to disclosure and to edit and footnote the document may be charged to the requesting party. Staff time in collecting the records would not be subject to reimbursement.

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Fees Allowed for Duplication of Records: For documents which are routinely produced in multiple copies for distribution, a fee of one cent (\$.01) per page may be charged, in addition to any postage costs. For documents which are assembled and copies to the order of the requester, a fee not to exceed ten cents (\$.10) per page may be charged.

Higher fees may be charged only if an itemized cost analysis is performed which reflects the cost of one sheet of paper, one cycle of the copy machine, and the labor cost to operate the machine, calculated as the operator's salary cost per minute divided by the number of copies which can be made per minute on the machine in question.

This provision will allow the City to recover \$.01 per page for documents which are ordinarily widely distributed, or \$.10 per page for specific requested documents. To the extent that these amounts reflect the City's actual costs for duplication, the City will not incur additional expenses for duplicating public documents which are requested under the ordinance.

Task Force on Implementation of the Ordinance: The proposed ordinance would establish a Task Force, comprised of seven members appointed by the Board of Supervisors. Members would serve without compensation, and would consist of the following representatives:

Two members nominated by the local chapter of the Society of Professional Journalists, including one attorney and one journalist.

One member nominated by the Radio- Television- News- Directors Association.

One member nominated by the League of Women Voters.

One member nominated by the San Francisco Community Fund.

Two members of the public who have demonstrated interest or experience in issues of public access to local government.

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In addition to the seven members appointed by the Board of Supervisors, the Chief Administrative Officer or his or her designee would be a non-voting member of the Task Force, and the City Attorney would serve as legal advisor to the Task Force.

File 56-93-1

The proposed motion would amend the Rules of Order of the Board of Supervisors to provide as follows:

Rule 4.20 would be amended to provide that, following referral from committee to the Board of Supervisors, a measure must be available for public review for 30 days before action is taken by the full Board of Supervisors. However, on the day that a proposed resolution or motion is introduced, the Board of Supervisors may, by unanimous vote of the members present, dispense with the 30-day waiting period and approve adoption.

Rule 4.31 would be amended to provide that resolutions introduced for immediate adoption without reference to committee would require a 30 day waiting period, unless a written request is received by the sponsor and unanimous consent is given by the members present that an "urgent need exists" to dispense with the 30-day waiting period. Rule 4.31 would also be amended to reflect that measures which are introduced during roll call for immediate adoption would be considered at a meeting which is held 31 days from the date the resolution is introduced.

Rule 4.24 would be amended to reflect that a committee shall not forward a recommendation to the full Board of Supervisors regarding a proposed amendment or addition to the Municipal or Administrative Codes or the City Charter, unless the text of the measure has been available for public inspection for at least 30 days prior to the hearing.

Comments:

File 97-93-6

1. The City Attorney had previously reported that the City would be required to meet and confer with employee organizations concerning a section of the original proposed ordinance concerning the release of certain personnel records, and that this process must be completed before the Board of Supervisors adopts the ordinance.

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The City Attorney's Office indicates that this provision has been deleted from the proposed Amendment of the Whole and, therefore, that meet and confer proceedings will not be necessary.

2. Under the new public meeting requirements of the proposed ordinance which have been identified by the City Attorney, the City would be required to provide more detailed information and documentation of proceedings which occur in closed session, to provide minutes of all board and commission meetings, and to create public review files of board and commission correspondence. The anticipated costs of these provisions would not depend on the extent to which public information were actually requested under the provisions of the proposed ordinance.

Based on approximately 917 meetings which are conducted annually by the Board of Supervisors, the 22 Boards and Commissions enumerated in the Charter, and 6 additional Commissions established by ordinance, the Budget Analyst estimates that the total annual cost to the City to comply with the new public meeting requirements of the proposed ordinance, including documentation of closed sessions, creating public review files of Board and Commission correspondence, and preparing the minutes of meetings, would be approximately \$141,789. This figure is based on salary and fringe benefits costs of \$35.60 per hour, including fringe benefits, for a Class 1492 Assistant Clerk for the Board of Supervisors over a total of approximately 1,339 hours annually (\$47,676), and salary and fringe benefit costs of \$24.26 per hour, including fringe benefits, for a Class 1408 Principal Clerk over a total of approximately 3,879 hours annually (\$94,113).

The above estimates are equivalent to the services of approximately 2.5 FTEs annually to document closed sessions, prepare minutes of all Board and Commission meetings, and create public review files for approximately 917 meetings which are conducted annually by City Boards and Commissions, or an average of approximately 5.7 hours per meeting.

3. The fiscal impact of the public record provisions of the proposed ordinance (File 97-93-6) will depend on the extent to which information is actually requested by the public, and therefore would impose variable costs which cannot be precisely estimated at this time.

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Given the scope of the proposed ordinance, the Budget Analyst considers that a reasonable minimum estimate of the resources needed to implement the public records requirements of the proposed ordinance would be as follows:

	<u>FTE</u>	<u>Amount</u>
1312 Public Information Officer	1.0	\$44,318
1446 Secretary	.50	18,283
9765 Assistant to CAO	.10	6,587
8174 City Attorney (Civil)	<u>.05</u>	<u>2,882</u>
Subtotal:	1.65	\$72,070
Fringe benefits @ 27 percent		<u>19,459</u>
Total Estimated Direct Costs		\$91,529
Indirect Costs @ 25 percent		<u>22,882</u>
Total Estimated Minimum Costs for Public Records:		\$114,411

As shown above, this estimate represents the services of approximately 1.65 FTE's to ensure compliance with the new public records requirements of the proposed ordinance for 28 City Boards and Commissions (and a larger number of departments), including 22 enumerated in the Charter and 8 established by ordinance of the Board of Supervisors. The services of the estimated 1.65 FTE's would be equivalent, on average, to 2.4 hours per week of services provided by each of the City's 28 Boards and Commissions.

However, the Budget Analyst believes that the estimated minimum costs of \$114,411 to comply with the proposed public records requirements could increase significantly, depending on the extent to which information requests are actually received, and on the nature and complexity of the requests.

4. The cost to the City of providing public information would be offset by fees which the City could charge to evaluate, edit and footnote documents which are not required, or not permitted, to be disclosed in their entirety. In addition, fees for duplication of documents may be charged at \$.01 per page for documents ordinarily produced for distribution, and \$.10 per page for documents provided in response to a specific request for information.

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However, the proposed ordinance does not provide for reimbursement of the City's labor costs for departmental staff to interact with persons requesting information, identify the information which is needed, verify the existence of the record, locate the record, copy the record, contact the requesting party, prepare any records which are mailed, respond to questions, etc.

5. In summary, the Budget Analyst estimates the annual costs of implementing the proposed ordinance as follows:

Public Meetings:

To document closed sessions, provide agendas and minutes of all board and commission meetings, and create public review files: \$141,789

Public Records:

To respond to requests for information under the public records requirements of the proposed ordinance: 114,411

Total Estimated Minimum Annual Costs \$256,200

Therefore, the Budget Analyst believes that a reasonable estimate of the minimum annual cost to implement the proposed ordinance is \$256,200. However, as previously noted, the estimated minimum annual cost of \$256,200 could increase significantly, depending on the extent to which information requests are actually received by City departments, and the nature and complexity of the requests.

6. The \$256,200 estimated minimum annual cost to the City is the Budget Analyst's estimate of the fiscal impact of the legislation, defined as the estimated cost of performing services which would be mandated under the proposed ordinance but which the City is not currently required to perform. Thus, the estimate represents a baseline budget estimate of the minimum resources which, in the judgement of the Budget Analyst, the City would need to devote annually in order to successfully implement the new public meeting requirements of the legislation for each of approximately 917 Board and Commission meetings which are conducted annually, and to respond to the proposed new mandates governing the release of public records.

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7. The Budget Analyst has not surveyed the City's Boards, Commissions, and Departments to evaluate whether, or to what extent, additional budgetary appropriations would be needed to ensure compliance with the legislation. Until a funding request is made, either in the annual budget or through a supplemental appropriation request, the precise cost of the proposed legislation will not be known. To the extent that City Boards and Commissions may already be performing functions which would be newly mandated under the proposed ordinance, or could perform these mandates with existing resources, the additional cost to the City of implementing the legislation would be less than the \$256,200 estimated minimum annual cost to the City of performing the new mandates of the legislation.

8. Any request by City departments for additional resources to implement the proposed ordinance would be subject to review by the Mayor and the Board of Supervisors during the annual budget review or as a supplemental appropriation request. As with any appropriation request, the Budget Analyst will not recommend additional expenditures unless a specific need for such expenditures can be demonstrated by the requesting department.

File 56-93-1

9. The Budget Analyst has not identified any costs associated with the proposed motion to amend the Rules of Order of the Board of Supervisors, which would require that legislation be available for public review for at least 30 days before action is taken by the Board of Supervisors. The 30-day waiting period could be waived if the Board of Supervisors unanimously agreed that an "urgent need" exists to dispense with the waiting period.

- Recommendations:**
1. Approval of the proposed ordinance (File 97-93-6) is a policy matter for the Board of Supervisors.
 2. Approval of the proposed motion (File 56-93-1) is a policy matter for the Board of Supervisors.

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Item 11 - File 204-93-1

**Proposed Ballot
Measure:**

Charter Amendment

Draft:

First Draft

Section Affected:

Amendment to Section 2.200

Description:

The proposed Charter Amendment would amend Charter Section 2.200 to permit the committees of the Board of Supervisors to hold special meetings in San Francisco locations other than City Hall.

Specifically, the proposed Charter Amendment would authorize the Board of Supervisors, by motion, to schedule and convene special meetings of committees of the Board of Supervisors in a location within San Francisco, outside of City Hall. Notice of such special committee meetings would have to be published and posted in City Hall at least 30 days prior to such meetings. The proposed Charter Amendment further specifies that the motions to schedule such special meetings of the Board of Supervisors committees in locations outside of City Hall must first be introduced and referred to a committee of the Board for hearing and consideration. Such motions to conduct these meetings outside of City Hall would be subject to approval of the full Board of Supervisors.

**Effect on the Cost
of Government:**

The Controller's Office reports that the proposed Charter Amendment, if implemented, should not affect the cost of government.

Comments:

1. According to the author of the proposed Charter Amendment's office, the intent of the proposed legislation is to enable more citizens to attend Board of Supervisor committee meetings, particularly those meetings that may be of special interest to specific neighborhoods. Mr. Larry Florin reports that potential sites would be Recreation Centers, operated by the Recreation and Park Department.

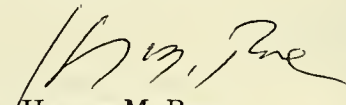
2. Ms. Mariam Morely of the City Attorney's Office reports that all committee meetings of the Board of Supervisors must be open to the public and are subject to the requirements of the American Disabilities Act (ADA). According to Ms. Morely, the ADA requires that

BOARD OF SUPERVISORS
BUDGET ANALYST

such sites be physically accessible for handicapped persons, including the provision of ramps or elevators, parking, and accessible restrooms, drinking fountains and telephones. In addition, Mr. Paul Imperiale, of the Mayor's Office indicates that assisted listening devices which are currently being installed in the Board of Supervisors committee rooms in City Hall, may need to be made available. Mr. Imperiale reports that mobile assisted listening devices, depending upon the specific site, may be available for use.

3. Mr. John Taylor, the Clerk of the Board, reports that although the proposed Charter Amendment may involve some additional work or time for his staff, such as making arrangements for the site and travel to and from the location outside of City Hall, such time and costs should be minimal.

4. The language of the proposed Charter Amendment permits the Board of Supervisors to hold special meetings in other locations outside of City Hall, but neither requires any meetings to be held outside of City Hall nor specifies any set number of meetings that would be held outside of City Hall. As a result, approval of the proposed Charter Amendment would not necessarily mean that committee meetings would be held outside of City Hall. Motions to conduct any meetings outside of City Hall would be subject to approval of the full Board of Supervisors.



Harvey M. Rose

cc: President Alioto	Clerk of the Board
Supervisor Bierman	Chief Administrative Officer
Supervisor Conroy	Controller
Supervisor Achtenberg	Teresa Serata
Supervisor Hallinan	Barbara Kolesar
Supervisor Hsieh	Ted Lakey
Supervisor Kaufman	
Supervisor Kennedy	
Supervisor Maher	
Supervisor Migden	
Supervisor Shelley	

BOARD OF SUPERVISORS
BUDGET ANALYST

CALENDAR

RESCHEDULED RULES COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

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JUN 1 1993

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THURSDAY, JUNE 3, 1993 - 10:30 A.M.

LEGISLATIVE CHAMBERS,
CITY HALL

MEMBERS: SUPERVISORS ALIOTO, BIERMAN, CONROY

CLERK: GREGOIRE HOBSON

APPOINTMENTS

1. File 92-93-2. Consideration of appointment of twenty-nine (29) members to the newly established Lead Poisoning Prevention Citizens Advisory Committee for various terms. (Clerk of the Board)

(29 positions from the following categories:)

Established by Ordinance No. 376-92 (Supervisor Shelley). The Committee shall consist of 29 members appointed by the Board of Supervisors as follows: 2 representatives with expertise in childcare; 2 representatives from tenant organizations; 6 representatives with one each from the Dept. of Social Services, the Dept. of Public Health, the Housing Authority, the Mayor's Office of Housing and Child Care, the Recreation and Park Dept., and the S.F. Unified School District; 19 representatives to include one each with expertise in the following: financial matters, affordable housing, builders, construction workers, environmental matters, health educators, immigrant services, language specialist, low-income advocate, neighborhood concerns, non-profit clinics, nurses, parents, physicians, public housing tenants, public interest organizations, real estate, residential multi-dwellings, and State pre-schools. If the Committee recommends that additional members be added to the Committee, the Board of Supervisors may appoint additional persons as members, consistent with such recommendations.

APPLICANTS: Elise C. Stone (health educator)

(non-resident)

Neli Palma (tenant)

Shelby Kennedy (affordable housing)

Ana Shul (low-income advocate)

James Threat (Recreation/Park Dept.)

Martha Rose (Dept. Social Services)

Judith Schutzman (Dept. Social Services)

Sheila J. Cohen (non-profit clinic)

Winny Tam (childcare)

Leticia Alcantar (neighborhood concerns)

Tim Carrico (residential multi-dwellings)

Janan New (residential multi-dwellings)

Francisco Jose Lopez (S.F. School Dist.)

Alma Marroquin (nurse)

Betty Taisch (property management)

Naja Williams (Mayor's Office/ Housing-Childcare)

ACTION:

2. File 92-93-3. Consideration of appointment of five (5) members to the newly established Lead Hazard Reduction Citizens Advisory Committee for various terms. (Clerk of the Board)

(NOTE: SEE ALSO FILE 92-93-3.1)

APPLICANTS: Lucy Vela (Childcare)
 Neil G. Rains (BBI, Dept. Public Works)
 David Garcia (insurance expert)
 Vacant (building trade)
 Marc Delany (Mayor's Office/housing-community development)

ACTION:

3. File 92-93-3.1. [Appointments] Resolution appointing members to the newly established Lead Hazard Reduction Citizens Advisory Committee; making findings waiving residency requirements. (Rules Committee) (Rereferred to Committee from Board 5/3/93. Question on residency.)

(SEE ALSO FILE 92-93-3)

APPOINTEES: Heather Lea Heppner (affordable housing)
 Ted Gullicksen (tenant representative)
 Emily McFarland (tenant representative)
 Gen Fujioka (tenant representative)
 Robert Mengarelli (painting contractor)
 Tim Carrico (residential owner)
 Vince Malta (residential owner)
 Mitch Fine (financial expert)
 James D. Gilford (abatement expert)
 (non-resident)
 Michael J. Kosnett, M.D. (physician)
 (non-resident)
 Stephen C. Davis (testing expert) (non-resident)
 Neil Gendel (public interest organization)
 Don Lanier (Environmental Protection Agency)
 Robert Y. Nakamura (CalOSHA) (non-resident)
 Jack Breslin (Department of Public Health)
 Ron Atkielski (Housing Authority)

ACTION:

4. File 92-93-18. Consideration of appointment of members to the Emergency Medical Care Committee vice Robert C. Mackerisie, M.D. (Emergency Services provider-at-large), Robert Neal (Community College), Joseph Mignola (consumer), Kathy Lenihan (American Heart Association), Linda M. Mann (University of California, S.F.), Paul Miller (American Red Cross/Bay Area), Steve Brattesani (S.F. Dental Society), and Brian Trice (Emergency Nurses' Association), terms expiring June 30, 1993, for new three-year terms ending June 30, 1996. (Clerk of the Board)

(There are eight (8) designated positions.)

APPLICANTS: Jane Smith (S.F. Community College) vice
 Robert Neal
 Kathy Lenihan (American Heart Assoc.) vice self
 Robert C. Mackerisie, M.D. (provider-at-large)
 vice self
 Jeanne Bayliss (Emergency Nurses' Assoc.) vice
 Brian Trice
 Linda M. Mann (University of Calif. S.F.) vice self
 Walter Siegel, D.M.D. (S.F. Dental Society) vice
 Steve Brattesani
 Vacant (consumer slot)
 Vacant (American Red Cross/Bay Area)

ACTION:

5. File 92-93-24. Consideration of appointment of fifteen (15) members to the newly established National Service Blue Ribbon Commission allowing for each member of the Board of Supervisors to nominate one (1) person and the Board of Supervisors as a whole appointing four (4) at-large positions. (Clerk of the Board)

(There are eleven (11) positions to be nominated by each member of the Board and four (4) positions to be appointed by the Full Board.)

APPLICANTS: Sid Smith, III (Supervisor Shelley)
 Peter Gabel (Supervisor Achtenberg)
 Agar Jaicks (Supervisor Bierman)
 Sabrina Nellie Saunders (Supervisor Kennedy)
 Vicki Rega (Supervisor Kaufman)
 Jim Rivaldo (Supervisor Maher)
 John K. Noonan (Supervisor Conroy)

ACTION:

BALLOT ISSUES

(NOTE: THE CHAIR INTENDS TO ENTERTAIN A MOTION TO TABLE
 THE FOLLOWING FILES:)

6. File 187-90-1. [Ballot Measure] Charter amendment (First Draft) amending Section 3.104 regarding the establishment of an Office of Contract and Public Policy Compliance. (Supervisor Kennedy)

ACTION:

7. File 267-91-1. [Ballot Measure] Charter amendment (Skeletal) amending the Charter relating to restructuring of City government. (Supervisor Shelley)

ACTION:

8. File 268-91-1. [Ballot Measure] Charter amendment (Skeletal) amending the Charter to create an Environmental Authority. (Supervisor Shelley)

ACTION:

9. File 269-91-1. [Ballot Measure] Charter amendment (Skeletal) amending Sections 3.530 and 3.530-2 relating to the Office of Citizens Complaints. (Supervisor Kennedy)

ACTION:

10. File 179-92-1. [Ballot Measure] Charter amendment (Skeletal) amending the charter relating to the Public Utilities Commission. (Supervisor Maher)

ACTION:

11. File 211-92-1. [Ballot Measure] Charter amendment (DRAFT) amending Sections 3.670, 3.671 and 3.672 and deleting Sections 3.680, 3.681 and 3.682 relating to the composition, functions, powers, duties and executive officers of the Retirement Board and the Health Service Board.

ACTION:

12. File 230-92-1. [Charter Amendment] (Skeletal) Amending Sections 8.400 and 8.401 relating to the setting of salaries for miscellaneous employees. (Supervisor Hsieh)

ACTION:

13. File 231-92-1. [Charter Amendment] (Skeletal) Amending Sections 8.559-16, 8.585-16, 8.586-16 and 8.588-16 relating to retirement allowances of Police and Fire employees. (Supervisor Hsieh)

ACTION:

14. File 233-92-1. [Charter Amendment] (Skeletal) Amending Section 8.517-3 providing for early service retirement. (Supervisor Hsieh)

ACTION:

15. File 234-92-1. [Charter Amendment] (Skeletal) Deleting Sections 3.200, 3.201 and 3.202 relating to the appointment, powers and duties of the Chief Administrative Officer and the Office of Risk Management, amending Sections 1.103 relating to officers and 3.510 relating to departments or bureaus under the jurisdiction of the Chief Administrative Officer and adding Section 3.100-3 creating a position of Executive Deputy for Governmental Services. (Supervisor Hsieh)

ACTION:

16. File 235-92-1. [Charter Amendment] (Skeletal) Amending Sections 1.103, 3.201 and 3.510 relating to Office of Recorder. (Supervisor Hsieh)

ACTION:

17. File 236-92-1. [Charter Amendment] (Skeletal) Amending Sections 3.591 and 3.592 creating a Department of Water and Power under the direction of the Public Utilities Commission, establishing jurisdiction over the Departments of Water, Clean Water, Electricity, Light, Heat and Power, Hetch Hetchy Project and Auxiliary Water Supply System. (Supervisor Hsieh)

ACTION:

18. File 237-92-1. [Charter Amendment] (Skeletal) Amending Sections 3.591, 3.592, 3.595, 3.598, 3.698, 3.698-1, 3.698-2 and 3.698-3 transferring jurisdiction over the Municipal Railway from the Public Utilities Commission to a Transportation Commission and consolidating the Department of Parking and Traffic into a Department of Transportation. (Supervisor Hsieh)

ACTION:

19. File 238-92-1. [Charter Amendment] (Skeletal) Amending Sections 3.510 and 4.103 relating to the Office of the Registrar of Voters. (Supervisor Hsieh)

ACTION:

20. File 239-92-1. [Charter Amendment] (Skeletal) Amending Sections 3.510 and 3.404 relating to the Office of Coroner. (Supervisor Hsieh)

ACTION:

21. File 240-92-1. [Charter Amendment] (Skeletal) Adding Section 3.699-B establishing a Commission and Department on the Environment and setting forth powers and duties of both. (Supervisor Hsieh)

ACTION:

22. File 241-92-1. [Charter Amendment] (Skeletal) Adding Sections 3.510, 7.200, 7.203 and 7.603 establishing a Public Works Commission and setting forth its powers and duties, transferring certain functions of the Chief Administrative Officer to the Public Works Commission. (Supervisor Hsieh)

ACTION:

RULES COMMITTEE
S.F. BOARD OF SUPERVISORS
ROOM 235, CITY HALL
SAN FRANCISCO, CA. 94102

IMPORTANT HEARING NOTICE

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CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 MARKET STREET, SUITE 1025

SAN FRANCISCO, CALIFORNIA 94102 • TELEPHONE (415) 554-7642

June 11, 1993

TO: Rules Committee
FROM: Budget Analyst
SUBJECT: June 15, 1993 Rules Committee Meeting

Item 2 - File 33-93-5

Item: The proposed resolution would ratify the Mayor's appointment of Marilyn Berry Thompson as Federal Legislative representative for the City and County of San Francisco.

Description: Administrative Code Section 16.3-1 delegates to the Mayor the authority to appoint, on a full-time basis, a Federal Legislative Representative (Federal Lobbyist) for the City and County of San Francisco, provided that funds are available for such purpose. The appointment of the proposed Federal Representative is subject to ratification by the Board of Supervisors, which is the subject of the proposed resolution.

Section 16.3-1 of the Administrative Code also states that various policies and programs proposed by the Mayor for execution by the Federal Lobbyist shall be subject to approval by the Board of Supervisors; provided however, that in matters requiring immediate action, the Mayor may direct the Federal Lobbyist to execute a certain policy or program which shall become the policy or program of San Francisco unless and until the Board of Supervisors shall adopt a contrary resolution.

Section 16.3-2 of the Administrative Code states that the Federal Legislative Representative shall take no action on particular proposed State or Federal legislation or any other related issue if the Board of Supervisors, by resolution, takes a position on proposed legislation or on an issue, the Mayor vetoes the resolution, and the Board does not override the veto. If the veto is overridden by the Board of Supervisors, or if the Mayor does not veto the resolution of the Board of Supervisors, then the position taken by the Board in its resolution shall be the position of the City and County and the Federal Legislative Representative shall advocate the position reflected in the Board's resolution.

The proposed resolution would ratify the Mayor's appointment of Ms. Marilyn Berry Thompson as the City's Federal Legislative Representative. According to the proposed resolution and supporting documentation, Ms. Thompson has extensive experience in health, human resources and education fields, working closely with the Carter White House, national organizations and the Clinton Transition Team and specializing in specific funding for cities, federal sources and tax legislation.

Comments:

1. According to Ms. Teresa Serata of the Mayor's Office, a total of \$100,000 has been included in the Mayor's proposed FY 1993-94 budget for the proposed Federal Lobbyist. This amount of \$100,000 would be workordered to the Mayor's Office from the Airport (\$50,000), the Port (\$25,000) and the Clean Water Project (\$25,000). The contract with Ms. Thompson includes \$75,000 for salary. The contract also specifies that the City will pay for expenses, which are currently estimated at approximately \$25,000.

2. Ms. Margaret Kisliuk, the Mayor's Director of Intergovernmental Affairs, who works as the State Lobbyist for San Francisco, reports that she will coordinate activities with the Federal Lobbyist. According to Ms. Kisliuk, although the contract with Ms. Thompson has not yet been approved, the Federal Lobbyist began working for the City on May 17, 1993. Therefore, the proposed resolution to ratify the appointment of Ms. Thompson should be made retroactive to May 17, 1993.

Memo to Rules Committee
June 15, 1993 Rules Committee Meeting

3. It should be noted that the Federal Lobbyist contract was deleted from the FY 1992-93 budget, for a savings of \$80,000. According to Ms. Kisliuk, the need to enter into a new contract at this time, for a Federal Lobbyist was based on discussions between the Mayor, several members of the Board of Supervisors and the Federal Delegation.

4. Ms. Kisliuk indicates that once the Federal Lobbyist contract has been ratified, formal policies and programs will be developed for the Federal Lobbyist to execute. In accordance with Administrative Code Section 16.3-1, these policies and programs will be subject to the Board of Supervisors approval.

Recommendation: Approval of the proposed resolution is a policy matter for the Board of Supervisors.

If the Board wishes to approve the proposed resolution, amend the resolution to ratify the Mayor's appointment retroactive to May 17, 1993, and approve the resolution, as amended.

Memo to Rules Committee
June 15, 1993 Rules Committee Meeting

Items 3 and 4 - Files 97-93-6 and 56-93-1

Note: These items were continued at the Rules Committee meeting of May 18, 1993.

Item: Ordinance amending the Administrative Code by adding Chapter 66 to provide greater public access to City records and to meetings of City Boards, Commissions, and Committees and by deleting Sections 16.5 and 16.5.1 relating to public meetings (File 97-93-6).

Motion amending Rules 4.20, 4.31, and 4.24 of the Rules of Order, Board of Supervisors, to require that legislation be available to the public for 30 days before action is taken by the Board of Supervisors (File 56-93-1).

Description: File 97-93-6

The proposed ordinance would delete existing provisions of the Administrative Code relating to special meetings of the Board of Supervisors and public testimony at public meetings. The proposed ordinance would add a new Chapter to the Administrative Code providing for greater public access to the public meetings and records of San Francisco government.

The principal provisions of the proposed ordinance, including those which, according to the City Attorney's Office, would represent the most significant change from current law, and the potential additional costs to the City where these can be identified, are as follows.

Expand the type of policy bodies required to conduct open meetings: Private entities which receive City funding would be required to open their meetings to the public, if the body conducts government business related to "the furtherance of health, safety, or welfare."

Narrow the grounds for acting on items not appearing on the agenda: Currently, a non-agenda item can be considered if a policy body finds that the need to take action arose after the agenda was prepared. Under the proposed ordinance, a matter not appearing on the agenda would have to be "so imperative as to threaten serious injury to the public interest if action were deferred," or be "purely commendatory" action, in order to be acted upon.

Notification Requirements for Closed Sessions: A policy body would be required to provide specified types of information regarding the nature of proceedings which occur in closed sessions.

The proposed ordinance includes specific information requirements for agendas of closed meetings related to the following types of proceedings: license/permit determinations; conferences with real property negotiators; conferences with legal counsel; threats to public services or facilities; public employee appointments or hiring; public employee performance evaluations; public employee dismissals; and conferences with the City's negotiator in collective bargaining proceedings.

Reports Following Closed Sessions: Currently, a legislative body is required to report on the results of closed sessions only in actions to appoint, employ, or dismiss a public employee. With certain exceptions, the proposed ordinance would require legislative bodies to report the results of closed sessions involving real property negotiations, approval to enter into litigation, and settlement agreements.

The results of a closed session would be required to be reported by the close of business on the day following the meeting. Copies of documents relating to the subject matter of the closed session would be required to be disclosed upon request, provided that the request for information is submitted in a timely fashion, as defined in the proposed ordinance.

No settlement agreement approved by the Board of Supervisors could include a provision to prevent the release of the settlement agreement to the public upon request. However, this provision would not apply to the Public Utilities Commission, Port Commission, and Airports Commission.

Barriers to Attendance Prohibited: Policy bodies would be required not to conduct meetings which (a) excluded persons on the basis of class identity or characteristics, (b) excluded persons with disabilities, or (c) required monetary payments or purchases in order to attend. Public address systems would be required to be modified in cases of excess capacity to reach attendees who could not enter the meeting room.

The proposed Amendment of the Whole reflects that Boards and Commission enumerated in the Charter would be required to provide sign language interpreters or note-takers, upon request, at each regular meeting; to provide accessible

Memo to Rules Committee
June 15, 1993 Rules Committee Meeting

seating for persons with disabilities; and to include on each published agenda a request that individuals refrain from wearing scented products.

According to the City Attorney's Office, the City is currently required under the U.S. Americans with Disabilities Act of 1990 to eliminate barriers to attendance such as those which would be prohibited under the proposed ordinance.

Tape Recordings of Meetings: Each Board or Commission enumerated in the Charter would be required to tape record each regular and special meeting. The recordings must be maintained for at least 7 days, or until a specific request for access to the tape recording has been satisfied.

Public Testimony: Policy bodies would be required to permit public testimony concerning any item on the agenda, except at meetings of the Board of Supervisors where an item has been previously considered in committee. A policy body could adopt regulations for public testimony, provided that each speaker is allowed at least three minutes.

Minutes of Meetings Required: Each Board or Commission enumerated in the Charter (of which there are 22) would be required to prepare minutes of meetings. Draft copies of the minutes would be required to be made available within 10 days of the meeting; the official minutes would be required to be made available no later than 10 working days following official adoption of the minutes by the board or commission. Minutes of meetings would be required to be made available in braille or increased type size, upon request. Currently, minutes of board and commission meetings are not required.

Release of Computer Records: Information which is maintained in electronic form must be provided upon request in any format which is available to the department. However, under the proposed Amendment of the Whole, the City would not be required to make information accessible by computer modem, nor to take actions which would violate any applicable copyright laws or licensing agreements.

Release of Oral Information: Currently, only information which is physically recorded must be disclosed under the Public Records Act, according to the City Attorney. Under the proposed ordinance, each department would be required to designate an employee to provide oral information to the public upon request.

The proposed Amendment of the Whole reflects that a City employee would not be required to respond to an inquiry which required more than 15 minutes of the employee's time in order to obtain the information requested.

Public Review File: Boards and commissions would be required to maintain a review file containing a copy of any written communication between the policy body and the clerk of each board or commission related to matters heard by the body within the last 30 days or expected to be heard within the next 30 days. Under the proposed Amendment of the Whole, memoranda from department staff would not be required to be included in the review file.

Disclosure of Draft Information: Draft memoranda and reports, if they are normally kept on file, must be disclosed upon request. If a draft copy of a document is not normally kept on file, its factual content is nonetheless required to be disclosed upon request, although any draft recommendations of the author could be deleted.

Under the proposed Amendment of the Whole, draft copies of contracts need not be disclosed until after the agreement has been entered into, if the department can demonstrate that the public interest in disclosure is outweighed by other interests.

Disclosure of Litigation Material: When litigation involving the City is finally adjudicated or otherwise settled, records of all communications between the parties would be subject to disclosure, including the text and terms of any settlement.

Disclosure of Personnel Records: The proposed ordinance provides that non-identifying information concerning the City's work force, including resumes, job descriptions, and other records of employees' experience and qualifications, would be subject to disclosure.

Under the proposed Amendment of the Whole, records of confirmed misconduct by a City employee involving personal dishonesty, misappropriation of funds, unlawful discrimination, abuse of authority, or violence, would not be subject to disclosure.

Law Enforcement Records: Records related to law enforcement activity would be subject to disclosure, with certain exceptions, once the "prospect of an enforcement action has been terminated by either a court or a prosecutor." The names of witnesses, confidential sources, and "any

analysis of a police officer" are among the recognized exceptions to disclosure requirements.

Attorney-Client Communications: Communications between the Board of Supervisors and the City Attorney would be subject to disclosure to the extent that they involve the City Attorney's analysis or interpretation of the Brown Act, the Public Records Act, or other laws governing the public's access to information.

Contracts, Bids and Proposals: All communications related to contracts, bids, and proposals, except proprietary financial information, would be subject to disclosure after the contract is awarded.

Budgets and Payment Records: All City budgets, and all City payments, invoices, and vouchers, except records of payments which are confidential by law, would be subject to disclosure.

Personal Privacy Exemption: Currently, government agencies can refuse to disclose information which would result in an invasion of privacy. The proposed ordinance, as originally submitted, would have required City employees to assist in efforts to contact persons whose privacy interests are involved in a request for information, in an effort to determine whether they will grant permission for release of the information. However, the proposed Amendment of the Whole reflects the deletion of this proposed provision.

Immediacy of Response: Currently, government agencies may take up to 10 days to respond to requests for information, and up to 20 days if a need for additional time can be shown.

The proposed Amendment of the Whole reflects that requested information must be provided before the close of business on the day following receipt of the request, provided that the requesting party specifically requests an immediate response. The department must notify the requesting party prior to this deadline if the department's response will require an extension of up to 10 days, due to the voluminous nature of the request, the need to consult with other departments, or the need to obtain documents stored in remote locations.

Burdensome Requests: Currently, government agencies can withhold records that contain confidential information, if the separation of confidential and non-confidential information would be so burdensome as to outweigh the

public interest in disclosure. The proposed ordinance would eliminate this exemption from disclosure. Rather, departments would be required to edit public records to delete confidential information, and to footnote the record to show the reason why information was deleted at each point.

The proposed Amendment of the Whole provides that any staff time needed in excess of one hour to determine the portions of the record which would be subject to disclosure and to edit and footnote the document may be charged to the requesting party. Staff time in collecting the records would not be subject to reimbursement.

Fees Allowed for Duplication of Records: For documents which are routinely produced in multiple copies for distribution, a fee of one cent (\$.01) per page may be charged, in addition to any postage costs. For documents which are assembled and copies to the order of the requester, a fee not to exceed ten cents (\$.10) per page may be charged.

Higher fees may be charged only if an itemized cost analysis is performed which reflects the cost of one sheet of paper, one cycle of the copy machine, and the labor cost to operate the machine, calculated as the operator's salary cost per minute divided by the number of copies which can be made per minute on the machine in question.

This provision will allow the City to recover \$.01 per page for documents which are ordinarily widely distributed, or \$.10 per page for specific requested documents. To the extent that these amounts reflect the City's actual costs for duplication, the City will not incur additional expenses for duplicating public documents which are requested under the ordinance.

Task Force on Implementation of the Ordinance: The proposed ordinance would establish a Task Force, comprised of seven members appointed by the Board of Supervisors. Members would serve without compensation, and would consist of the following representatives:

Two members nominated by the local chapter of the Society of Professional Journalists, including one attorney and one journalist.

One member nominated by the Radio- Television- News- Directors Association.

One member nominated by the League of Women Voters.

BOARD OF SUPERVISORS
BUDGET ANALYST

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One member nominated by the San Francisco Community Fund.

Two members of the public who have demonstrated interest or experience in issues of public access to local government.

In addition to the seven members appointed by the Board of Supervisors, the Chief Administrative Officer or his or her designee would be a non-voting member of the Task Force, and the City Attorney would serve as legal advisor to the Task Force.

File 56-93-1

The proposed motion would amend the Rules of Order of the Board of Supervisors to provide as follows:

Rule 4.20 would be amended to provide that, following referral from committee to the Board of Supervisors, a measure must be available for public review for 30 days before action is taken by the full Board of Supervisors. However, on the day that a proposed resolution or motion is introduced, the Board of Supervisors may, by unanimous vote of the members present, dispense with the 30-day waiting period and approve adoption.

Rule 4.31 would be amended to provide that resolutions introduced for immediate adoption without reference to committee would require a 30 day waiting period, unless a written request is received by the sponsor and unanimous consent is given by the members present that an "urgent need exists" to dispense with the 30-day waiting period. Rule 4.31 would also be amended to reflect that measures which are introduced during roll call for immediate adoption would be considered at a meeting which is held 31 days from the date the resolution is introduced.

Rule 4.24 would be amended to reflect that a committee shall not forward a recommendation to the full Board of Supervisors regarding a proposed amendment or addition to the Municipal or Administrative Codes or the City Charter, unless the text of the measure has been available for public inspection for at least 30 days prior to the hearing.

Comments: **File 97-93-6**

1. The City Attorney had previously reported that the City would be required to meet and confer with employee organizations concerning a section of the original proposed ordinance concerning the release of certain personnel records, and that this process must be completed before the Board of Supervisors adopts the ordinance.

The City Attorney's Office indicates that this provision has been deleted from the proposed Amendment of the Whole and, therefore, that meet and confer proceedings will not be necessary.

2. Under the new public meeting requirements of the proposed ordinance which have been identified by the City Attorney, the City would be required to provide more detailed information and documentation of proceedings which occur in closed session, to provide minutes of all board and commission meetings, and to create public review files of board and commission correspondence. The anticipated costs of these provisions would not depend on the extent to which public information were actually requested under the provisions of the proposed ordinance.

Based on approximately 917 meetings which are conducted annually by the Board of Supervisors, the 22 Boards and Commissions enumerated in the Charter, and 6 additional Commissions established by ordinance, the Budget Analyst estimates that the total annual cost to the City to comply with the new public meeting requirements of the proposed ordinance, including documentation of closed sessions, creating public review files of Board and Commission correspondence, and preparing the minutes of meetings, would be approximately \$141,789. This figure is based on salary and fringe benefits costs of \$35.60 per hour, including fringe benefits, for a Class 1492 Assistant Clerk for the Board of Supervisors over a total of approximately 1,339 hours annually (\$47,676), and salary and fringe benefit costs of \$24.26 per hour, including fringe benefits, for a Class 1408 Principal Clerk over a total of approximately 3,879 hours annually (\$94,113).

The above estimates are equivalent to the services of approximately 2.5 FTEs annually to document closed sessions, prepare minutes of all Board and Commission meetings, and create public review files for approximately 917 meetings which are conducted annually by City Boards

and Commissions, or an average of approximately 5.7 hours per meeting.

3. The fiscal impact of the public record provisions of the proposed ordinance (File 97-93-6) will depend on the extent to which information is actually requested by the public, and therefore would impose variable costs which cannot be precisely estimated at this time.

Given the scope of the proposed ordinance, the Budget Analyst considers that a reasonable minimum estimate of the resources needed to implement the public records requirements of the proposed ordinance would be as follows:

	<u>FTE</u>	<u>Amount</u>
1312 Public Information Officer	1.0	\$44,318
1446 Secretary	.50	18,283
9765 Assistant to CAO	.10	6,587
8174 City Attorney (Civil)	<u>.05</u>	<u>2,882</u>
Subtotal:	1.65	\$72,070
Fringe benefits @ 27 percent		<u>19,459</u>
Total Estimated Direct Costs		\$91,529
Indirect Costs @ 25 percent		<u>22,882</u>
Total Estimated Minimum Costs for Public Records:		\$114,411

As shown above, this estimate represents the services of approximately 1.65 FTE's to ensure compliance with the new public records requirements of the proposed ordinance for 28 City Boards and Commissions (and a larger number of departments), including 22 enumerated in the Charter and 8 established by ordinance of the Board of Supervisors. The services of the estimated 1.65 FTE's would be equivalent, on average, to 2.4 hours per week of services provided by each of the City's 28 Boards and Commissions.

However, the Budget Analyst believes that the estimated minimum costs of \$114,411 to comply with the proposed public records requirements could increase significantly, depending on the extent to which information requests are actually received, and on the nature and complexity of the requests.

4. The cost to the City of providing public information would be offset by fees which the City could charge to evaluate, edit and footnote documents which are not required, or not permitted, to be disclosed in their entirety. In addition, fees

for duplication of documents may be charged at \$.01 per page for documents ordinarily produced for distribution, and \$.10 per page for documents provided in response to a specific request for information.

However, the proposed ordinance does not provide for reimbursement of the City's labor costs for departmental staff to interact with persons requesting information, identify the information which is needed, verify the existence of the record, locate the record, copy the record, contact the requesting party, prepare any records which are mailed, respond to questions, etc.

5. In summary, the Budget Analyst estimates the annual costs of implementing the proposed ordinance as follows:

Public Meetings:

To document closed sessions, provide agendas and minutes of all board and commission meetings, and create public review files:

\$141,789

Public Records:

To respond to requests for information under the public records requirements of the proposed ordinance:

114,411

Total Estimated Minimum Annual Costs \$256,200

Therefore, the Budget Analyst believes that a reasonable estimate of the minimum annual cost to implement the proposed ordinance is \$256,200. However, as previously noted, the estimated minimum annual cost of \$256,200 could increase significantly, depending on the extent to which information requests are actually received by City departments, and the nature and complexity of the requests.

6. The \$256,200 estimated minimum annual cost to the City is the Budget Analyst's estimate of the fiscal impact of the legislation, defined as the estimated cost of performing services which would be mandated under the proposed ordinance but which the City is not currently required to perform. Thus, the estimate represents a baseline budget estimate of the minimum resources which, in the judgement of the Budget Analyst, the City would need to devote annually in order to successfully implement the new public meeting requirements of the legislation for each of approximately 917 Board and Commission meetings which are conducted annually, and to respond to the proposed new mandates governing the release of public records.

7. The Budget Analyst has not surveyed the City's Boards, Commissions, and Departments to evaluate whether, or to what extent, additional budgetary appropriations would be needed to ensure compliance with the legislation. Until a funding request is made, either in the annual budget or through a supplemental appropriation request, the precise cost of the proposed legislation will not be known. To the extent that City Boards and Commissions may already be performing functions which would be newly mandated under the proposed ordinance, or could perform these mandates with existing resources, the additional cost to the City of implementing the legislation would be less than the \$256,200 estimated minimum annual cost to the City of performing the new mandates of the legislation.

8. Any request by City departments for additional resources to implement the proposed ordinance would be subject to review by the Mayor and the Board of Supervisors during the annual budget review or as a supplemental appropriation request. As with any appropriation request, the Budget Analyst will not recommend additional expenditures unless a specific need for such expenditures can be demonstrated by the requesting department.

File 56-93-1

9. The Budget Analyst has not identified any costs associated with the proposed motion to amend the Rules of Order of the Board of Supervisors, which would require that legislation be available for public review for at least 30 days before action is taken by the Board of Supervisors. The 30-day waiting period could be waived if the Board of Supervisors unanimously agreed that an "urgent need" exists to dispense with the waiting period.

10. The Budget Analyst has been informed that the City Attorney's Office will be introducing further Amendments of the Whole at the June 15, 1993 Rules Committee meeting. It should be noted that the above analysis reflects the earlier version of the proposed legislation.

- Recommendations:**
1. Approval of the proposed ordinance (File 97-93-6) is a policy matter for the Board of Supervisors.
 2. Approval of the proposed motion (File 56-93-1) is a policy matter for the Board of Supervisors.



Item 6 - File 180-93-1

**Proposed Ballot
Measure:**

Charter Amendment

Draft:

First Draft

Section Affected:

Amendment to Section 2.200

Description:

The proposed Charter Amendment would amend Charter Section 2.200 to permit the Board of Supervisors to hold special meetings in San Francisco locations other than City Hall.

The existing City Charter states that the Board of Supervisors shall meet in the Legislative Chambers in City Hall and that regular meetings shall be held in City Hall, as fixed by resolution of the Board of Supervisors. In addition, the current Charter provides that, in case of emergencies, the Board of Supervisors may designate some other appropriate place as its temporary meeting place.

The proposed Charter Amendment would authorize the Board of Supervisors, by motion, to schedule and convene special meetings of the Board of Supervisors in a location within San Francisco, outside of City Hall. Notice of such special committee meetings would have to be published and posted in City Hall at least 30 days prior to such meetings. The proposed Charter Amendment further specifies that the motions to schedule such special meetings of the Board of Supervisors in locations outside of City Hall must first be introduced and referred to a committee of the Board for hearing and consideration. Such motions to conduct these meetings outside of City Hall would be subject to approval of the full Board of Supervisors.

**Effect on the Cost
of Government:**

The Controller's Office reports that the proposed Charter Amendment, if implemented, should not affect the cost of government.

Comments:

1. According to the author of the proposed Charter Amendment's Office, the intent of the proposed legislation is to enable more citizens to attend Board of Supervisors meetings, particularly those meetings that may be of special interest to specific neighborhoods. Mr. Larry Florin reports that potential sites would be Recreation Centers, operated by the Recreation and Park Department.

2. Ms. Mariam Morely of the City Attorney's Office reports that all meetings of the Board of Supervisors must be open to the public and are subject to the requirements of the American Disabilities Act (ADA). According to Ms. Morely, the ADA requires that such sites be physically accessible for handicapped persons, including the provision of ramps or elevators, parking, and accessible restrooms, drinking fountains and telephones. In addition, Mr. Paul Imperiale, of the Mayor's Office indicates that assisted listening devices which are currently being installed in the Board of Supervisors committee rooms in City Hall, may need to be made available. Mr. Imperiale reports that mobile assisted listening devices, depending upon the specific site, may be available for use.

3. Mr. John Taylor, the Clerk of the Board, reports that although the proposed Charter Amendment may involve some additional work or time for his staff, such as making arrangements for the site and travel to and from the location outside of City Hall, such time and costs should be minimal.

4. The language of the proposed Charter Amendment permits the Board of Supervisors to hold special meetings in other locations outside of City Hall, but neither requires any meetings to be held outside of City Hall nor specifies any set number of meetings that would be held outside of City Hall. As a result, approval of the proposed Charter Amendment would not necessarily mean that meetings would be held outside of City Hall. Motions to conduct any meetings outside of City Hall would be subject to approval of the full Board of Supervisors.

5. The proposed Charter Amendment addresses special Board of Supervisors meetings being held outside of City Hall. A similar proposed Charter Amendment (File 204-93-1) concerns the committees of the Board of Supervisors holding special meetings outside of City Hall. According to Mr. Ted Lakey of the City Attorney's Office, the Board of Supervisors could combine these two Charter Amendments, or keep them as separate Charter Amendments, to be placed before the voters in November, 1993.

Item 7 - File 204-93-1

**Proposed Ballot
Measure:**

Charter Amendment

Draft:

First Draft

Section Affected:

Amendment to Section 2.200

Description:

The proposed Charter Amendment would amend Charter Section 2.200 to permit the committees of the Board of Supervisors to hold special meetings in San Francisco locations other than City Hall.

The existing City Charter states that the Board of Supervisors shall meet in the Legislative Chambers in City Hall and that regular meetings shall be held in City Hall, as fixed by resolution of the Board of Supervisors. In addition, the current Charter provides that, in case of emergencies, the Board of Supervisors may designate some other appropriate place as its temporary meeting place.

The proposed Charter Amendment would authorize the Board of Supervisors, by motion, to schedule and convene special meetings of committees of the Board of Supervisors in a location within San Francisco, outside of City Hall. Notice of such special committee meetings would have to be published and posted in City Hall at least 30 days prior to such meetings. The proposed Charter Amendment further specifies that the motions to schedule such special meetings of the Board of Supervisors committees in locations outside of City Hall must first be introduced and referred to a committee of the Board for hearing and consideration. Such motions to conduct these meetings outside of City Hall would be subject to approval of the full Board of Supervisors.

**Effect on the Cost
of Government:**

The Controller's Office reports that the proposed Charter Amendment, if implemented, should not affect the cost of government.

Comments:

1. According to the author of the proposed Charter Amendment's Office, the intent of the proposed legislation is to enable more citizens to attend Board of Supervisors committee meetings, particularly those meetings that may be of special interest to specific neighborhoods. Mr. Larry Florin reports that potential

sites would be Recreation Centers, operated by the Recreation and Park Department.

2. Ms. Mariam Morely of the City Attorney's Office reports that all committee meetings of the Board of Supervisors must be open to the public and are subject to the requirements of the American Disabilities Act (ADA). According to Ms. Morely, the ADA requires that such sites be physically accessible for handicapped persons, including the provision of ramps or elevators, parking, and accessible restrooms, drinking fountains and telephones. In addition, Mr. Paul Imperiale, of the Mayor's Office indicates that assisted listening devices which are currently being installed in the Board of Supervisors committee rooms in City Hall, may need to be made available. Mr. Imperiale reports that mobile assisted listening devices, depending upon the specific site, may be available for use.

3. Mr. John Taylor, the Clerk of the Board, reports that although the proposed Charter Amendment may involve some additional work or time for his staff, such as making arrangements for the site and travel to and from the location outside of City Hall, such time and costs should be minimal.

4. The language of the proposed Charter Amendment permits the Board of Supervisors to hold special meetings in other locations outside of City Hall, but neither requires any meetings to be held outside of City Hall nor specifies any set number of meetings that would be held outside of City Hall. As a result, approval of the proposed Charter Amendment would not necessarily mean that committee meetings would be held outside of City Hall. Motions to conduct any meetings outside of City Hall would be subject to approval of the full Board of Supervisors.

5. The proposed Charter Amendment concerns the committees of the Board of Supervisors holding special meetings outside of City Hall. A similar proposed Charter Amendment (File 180-93-1) addresses special Board of Supervisors meetings being held outside of City Hall. According to Mr. Ted Lakey of the City Attorney's Office, the Board of Supervisors could combine these two Charter Amendments, or keep them as separate Charter Amendments, to be placed before the voters in November, 1993.

Item 8 - File 240-93-1

Proposed Ballot

Measure: Charter Amendment

Draft: First Draft

Section Affected: The proposed Charter Amendment would amend Section 7.309 by adding a new subsection relating to financing construction or improvements of capital facilities or purchase of equipment, for the Department of Public Health (DPH).

Description: Existing provisions of Charter Section 7.309 provide for City departments to lease finance equipment through a non-profit corporation for up to \$20 million (outstanding principal) in the aggregate at any point in time. The \$20 million limit is increased by five percent each fiscal year; the current limit is \$22,050,000. Under the existing lease financing provisions of the Charter, which are administered by the Chief Administrative Officer (CAO), a non-profit corporation, the City and County of San Francisco (CCSF) Financing Corporation, borrows funds in the financial markets on a revolving basis, pooling amounts and making the funds available to City departments. This program enables City departments to lease finance capital equipment through tax exempt lease financing at approximately 6 percent interest rates, versus leasing equipment through private for-profit firms at interest rates ranging between nine and 12 percent. Examples of equipment which have previously been lease financed by the City include police vehicles, fire trucks and laundry equipment.

The proposed Charter amendment would add a new program to the existing equipment lease financing programs authorized in the Charter. In addition to the existing CAO-administered \$20 million equipment lease financing program for all City Departments, the Department of Public Health would be authorized to lease finance not only equipment, but also construction, reconstruction, rehabilitation or improvement of buildings and other capital facilities through a non-profit corporation for up to \$20 million (outstanding principal) in the aggregate at any point in time. The CCSF Financing Corporation could be used by the proposed new program. The additional monies provided to the DPH under the new program would be designated for facilities specifically under the jurisdiction of the DPH, and other City departments would not have access to these funds. In addition, the proposed Charter amendment would be different from the existing lease financing program by not only including equipment, but also including the construction, reconstruction, rehabilitation or improvement of buildings and

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other capital facilities. The \$20 million lease financing limit would be increased by five percent per year in each fiscal year following approval of the proposed Charter amendment.

**Effect on the Cost
of Government:**

The proposed Charter amendment could either increase or decrease the cost of government. The cost of government would be reduced if the proposed lease purchase methods are used to lease items or provide for capital improvements that would otherwise be leased at rates higher than those charged by the proposed non-profit corporation. The cost of government would increase if the proposed lease purchase methods are used to lease items or provide for capital improvements that would be purchased on a "cash basis" (without lease financing costs) or would not otherwise be purchased by the City. However, the actual effect on the cost of government cannot be determined at this time.

Comments:

1. According to Mr. Peter Praetz, Chief Financial Officer of San Francisco General Hospital (SFGH), the DPH is requesting authority to establish a separate financing pool because the facilities at both SFGH and Laguna Honda Hospital have been undercapitalized without sufficient access to capital markets. In addition, the availability of DPH capital funds could be used to leverage State matching funds that are available for capital purposes (SB 1732). Mr. Praetz reports that the DPH currently makes capital expenditures on a "cash basis," through General Fund monies which are budgeted for capital improvements annually.
2. Mr. Praetz reports that the capital needs of the Department of Public Health including SFGH far exceed what funding is available. According to Mr. Praetz, these needs result from past under-funding, compliance with health and safety standards, seismic upgrading of facilities, security provisions, compliance with the Americans with Disabilities Act (ADA), changes in how health care services are provided, and the implementation of computer systems for use under Medi-Cal's managed care programs.
3. Mr. Praetz also reports that SFGH has requested only minimal amounts for capital improvements in the 1993-1994 budget. These requests included \$400,000 for converting six beds to intensive care beds and \$130,000 for installation of equipment and remodeling to comply with safety standards. The Hospital's requests for \$859,000 for remodeling of clinics to relieve overcrowding and \$1.6 million for the development of the DPH computer systems were rejected by the Mayor's Office. Mr. Praetz has stated that without the requested new computer systems the Department will be

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unable to comply with Medi-Cal changes required by Medi-Cal's managed care programs.

4. In addition to the foregoing, Mr. Praetz reports that the Department is facing multimillion dollar expenses related to seismic upgrading, compliance with ADA regulations, and compliance with changing health and safety requirements imposed by the State Office of Statewide Health Planning and Development (OSHPD).

5. Mr. Praetz has provided the Budget Analyst with a number of statistics comparing expenditures for capital projects and equipment at SFGH with teaching and government hospitals. Included in those statistics are the following:

- The average age of SFGH's plant in 1991 was over 12.5 years compared to 7.6 years for major teaching hospitals and 6.7 years for government hospitals.

- SFGH's capital cost per adjusted discharge was \$271 in 1991 compared to \$335 for government hospitals and \$470 for teaching hospitals.

- The capital cost as a percent of the hospital's expenditures showed SFGH at 3.24% compared to 6.99% for major teaching hospitals and 7.46% for peer government hospitals.

- Capital equipment expenditures comprise only 1.2% of the hospital's operating budget. This compares to levels of 3-5% at peer facilities.

6. According to Ms. Laura Wagner-Lockwood of the CAO's Office, the net amount of financing that is expected to be available to allocate between projects selected from all City departments, including the DPH, under the existing CCSF Financing Corporation lease financing program for lease financing, is approximately \$7 million, which includes the five percent increase for 1994. Thus, capital improvement projects or equipment requested by the DPH to be financed by the CCSF Financing Corporation would have to compete with all other departmental requests for such lease financing. Therefore, the DPH is requesting authorization for its own lease financing program of \$20 million.

7. A Charter Amendment identical to the proposed Charter Amendment was presented to the City's electorate in November of 1992 but was not approved.

8. According to Ms. Laura Wagner-Lockwood of the CAO's Office, the proposed lease financing program would be administered by the San Francisco Finance Corporation in the same manner that the City's current lease financing program is administered. Ultimately, the Board of Supervisors has approval authority over the type of equipment or capital improvement project to be financed and the term of the financing.

9. File 243-93-1, Item 10, on the Rules Committee calendar for June 15, 1993, is a proposed Charter Amendment that would increase the authorized amount of outstanding principal for the existing lease financing program at any point in time from \$20 million to \$40 million for all City Departments, including the Department of Public Health.

Item 9 - File 242-93-1

**Proposed Ballot
Measure:**

Charter Amendment

Draft:

First Draft

Sections Affected:

Amendment to Section 6.203

Description:

The proposed Charter Amendment would require the Mayor to transmit the annual budget to the Board of Supervisors by the first day of May each year. The current Charter provisions require that the Mayor transmit the proposed budget to the Board of Supervisors by the first day of June each year.

In addition, the proposed Charter Amendment would add the language "or she" to the existing "he", when referring to the Mayor.

**Effect on the Cost
of Government:**

As of the writing of this report, the Controller's Office, has not analyzed the cost of the proposed Charter Amendment. However, changing the date the Mayor must transmit the City's proposed budget to the Board of Supervisors from June 1 to May 1 should not effect the cost of government.

Comments:

1. Under the current Charter provisions and schedule, the Mayor must transmit the proposed budget to the Board of Supervisors on June 1st and the Budget Committee of the Board of Supervisors begins their public hearing and deliberation process within approximately two to three weeks. The hearings generally last two weeks, at which time the recommendations of the Budget Committee are sent to the full Board of Supervisors.

2. Charter provisions currently require that the Board of Supervisors on or before June 30th of each year enact an Interim Annual Appropriation Ordinance and an Interim Annual Salary Ordinance and not earlier than July 15th, nor later than August 1st of each year adopt the Annual Budget and the Appropriation Ordinance, which supersedes the Interim Annual Appropriation Ordinance. The proposed Charter Amendment would not change these Board of Supervisors

deadlines for completing their budget review. Therefore, the proposed Charter Amendment to require the Mayor to submit the budget by May 1 rather than June 1 would provide the Board of Supervisors with an additional month of time in which to review the City's annual budget.

3. If the proposed Charter Amendment is approved by the voters in November, 1993, the Mayor would be required to submit the FY 1994-95 budget to the Board of Supervisors by May 1, 1994. Ms. Teresa Serata of the Mayor's Office has requested that the proposed Charter Amendment be amended to take effect for the FY 1995-96 budget year, rather than the FY 1994-95 budget year. According to Ms. Serata, in order to comply with the proposed revised May 1 schedule, budget instructions should be issued to the City departments by October 1 rather than the current November 1. Since the election to determine the outcome of this Charter Amendment would not occur until early November, 1993, the departments would have one month less time to complete their budget process in FY 1994-95. Furthermore, Ms. Serata anticipates that given the State's fiscal problems for FY 1993-94, the City may still be grappling with the impacts of the State cutbacks during the Fall of 1993.

4. If the Mayor is required to submit the City's proposed budget to the Board of Supervisors by May 1 instead of June 1, the Budget Analyst would have additional time to review the City's budget and would be able to provide a more thorough or detailed analysis for the Board of Supervisors. The Board of Supervisors would also have additional time for review and to receive public input and comment on the City's proposed budget.

Item 10 - File 243-93-1

Proposed Ballot

Measure: Charter Amendment

Draft: First Draft

Section Affected: The proposed Charter Amendment would amend Section 7.309 relating to the financing of the acquisition of equipment by increasing the obligations of evidence of indebtedness from \$20 million to \$40 million.

Description: Existing provisions of Charter Section 7.309 provide for City departments to lease finance equipment through a non-profit corporation for up to \$20 million (outstanding principal) in the aggregate at any point in time. This provision was approved by the City's electorate in June of 1990. The \$20 million limit is increased by five percent per year; the current limit is \$22,050,000. Under the existing lease financing provisions of the Charter, which are administered by the Chief Administrative Officer (CAO), the non-profit corporation, the City and County of San Francisco (CCSF) Financing Corporation, borrows funds in the financial markets on a revolving basis, pooling amounts and making the funds available to City departments. This program enables City departments to lease finance capital equipment through tax exempt lease financing at approximately 6 percent interest rates, versus leasing equipment through private for-profit firms at interest rates ranging between nine and 12 percent. Examples of equipment which have previously been lease financed by the City include police vehicles, fire trucks and laundry equipment.

According to Ms. Laura Wagner-Lockwood of the CAO's Office, the net amount of financing that is expected to be available to allocate between projects selected from all City departments under the existing CCSF Financing Corporation lease financing program for lease financing in April of 1994, if approved, is approximately \$7 million, which includes the five percent increase for 1994. The City would have approximately \$23 million in lease financing authority in the Spring of 1994, due to the five percent per year increase in lease financing authority. Therefore, approximately \$16 million (\$23 million total less \$7 million available) would be in outstanding principal and therefore would not be available for financing.

The proposed Charter amendment would amend Section 7.309 to increase the authorized amount of outstanding principal at any point in time from \$20 million (increased annually by a five percent increment) to \$40 million, which would also be increased by five percent annually, following the fiscal year in which the

electorate approved the proposed amendment. The CCSF Financing Corporation would continue to be used.

**Effect on the Cost
of Government:**

The proposed Charter amendment could either increase or decrease the cost of government. The cost of government would be reduced if the proposed lease purchase methods are used to lease items or provide for capital improvements that would otherwise be leased at rates higher than those charged by the non-profit corporation. The cost of government would increase if the proposed lease purchase methods are used to lease items or provide for capital improvements that would be purchased on a "cash basis" (without lease financing costs) or would not otherwise be purchased by the City. However, the actual effect on the cost of government cannot be determined at this time.

Comments:

1. According to Ms. Wagner-Lockwood, the additional \$20 million in lease financing authority is needed because of a vastly increased demand by City departments for using lease financing. Currently, the net funding available to departments for lease financing of equipment and capital improvement projects is less than \$1 million. If no additional lease financing is used between now and April of 1994, when funds from this proposed additional \$20 million in lease financing authority would first become available, if approved, approximately \$7 million would be available to all departments for financing equipment or capital improvement projects.
2. Ms. Wagner-Lockwood has stated that the decreased availability of annual budgeted funds to City departments has diminished the capability of most departments to procure expensive items of equipment or to pay for capital projects on a pay-as-you-go basis.
3. File 240-93-1, Item 8, on the Rules Committee calendar for June 15, 1993, is a proposed Charter Amendment that would authorize the Department of Public Health to establish a new \$20 million lease financing program, which would be in addition to the existing \$20 million lease financing program (which would be increased to \$40 million under this proposed Charter Amendment), to provide financing for the DPH's equipment and capital improvement projects.

Item 11 - File 258-93-1

Proposed Ballot

Measure: Charter Amendment

Draft: First Draft

Section Affected: The proposed Charter Amendment would amend Sections 7.100 and 7.103 relating to purchases of materials, supplies, and equipment for the City and County.

Description: Section 7.100 of the Charter provides, in part, for the Purchaser of Supplies to purchase all materials, supplies, and equipment and to enter into agreements for all contractual services required by City departments, with certain exceptions. Those exceptions include the procurement of library materials and works of art for museums. Additionally, purchases for construction operations, or for any operations outside the boundaries of the City may, on the recommendation of the Department head and the approval of the Purchaser of Supplies, be made directly by the department head.

Section 7.100 of the Charter also provides that all purchases shall be by written purchase order or written contract except in the case of an emergency, and that all purchases in excess of \$1,000 be by written contract.

Section 7.103 of the Charter provides, in part, that all contracts for the purchase of materials, supplies, and equipment be made after inviting sealed bids by publication.

With respect to the provisions of Section 7.100 designating authority to purchase materials, supplies, and equipment, the proposed Charter amendment would authorize a department head, on the recommendation of the department head and the approval of the Purchaser of Supplies, to purchase directly materials, supplies, and equipment involving the expenditure of less than \$5,000. Beginning in FY 1996-97, the Board of Supervisors would be authorized to increase or decrease by ordinance the dollar amount of purchases of materials, supplies, and equipment which may be purchased directly by a department head.

With respect to the provision of Section 7.100 requiring that all purchases be by written purchase order or written contract except in the case of an emergency and that all purchases in excess of \$1,000 be by written contract, the proposed Charter amendment would amend the foregoing to require that all purchases in excess of \$2,500 be by written purchase order or written contract.

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Further, beginning in FY 1996-97, the Board of Supervisors would be authorized to increase or decrease by ordinance the dollar amount of purchases which shall be made by written purchase order or written contract.

With respect to the provision of Section 7.103 requiring that all contracts for the purchase of materials, supplies, and equipment be made after inviting sealed bids by publication, the proposed Charter amendment would amend the foregoing to require that only those contracts for the purchase of materials, supplies, and equipment involving the expenditure of \$50,000 or more be made after inviting sealed bids by publication.

**Effect on the Cost
of Government:**

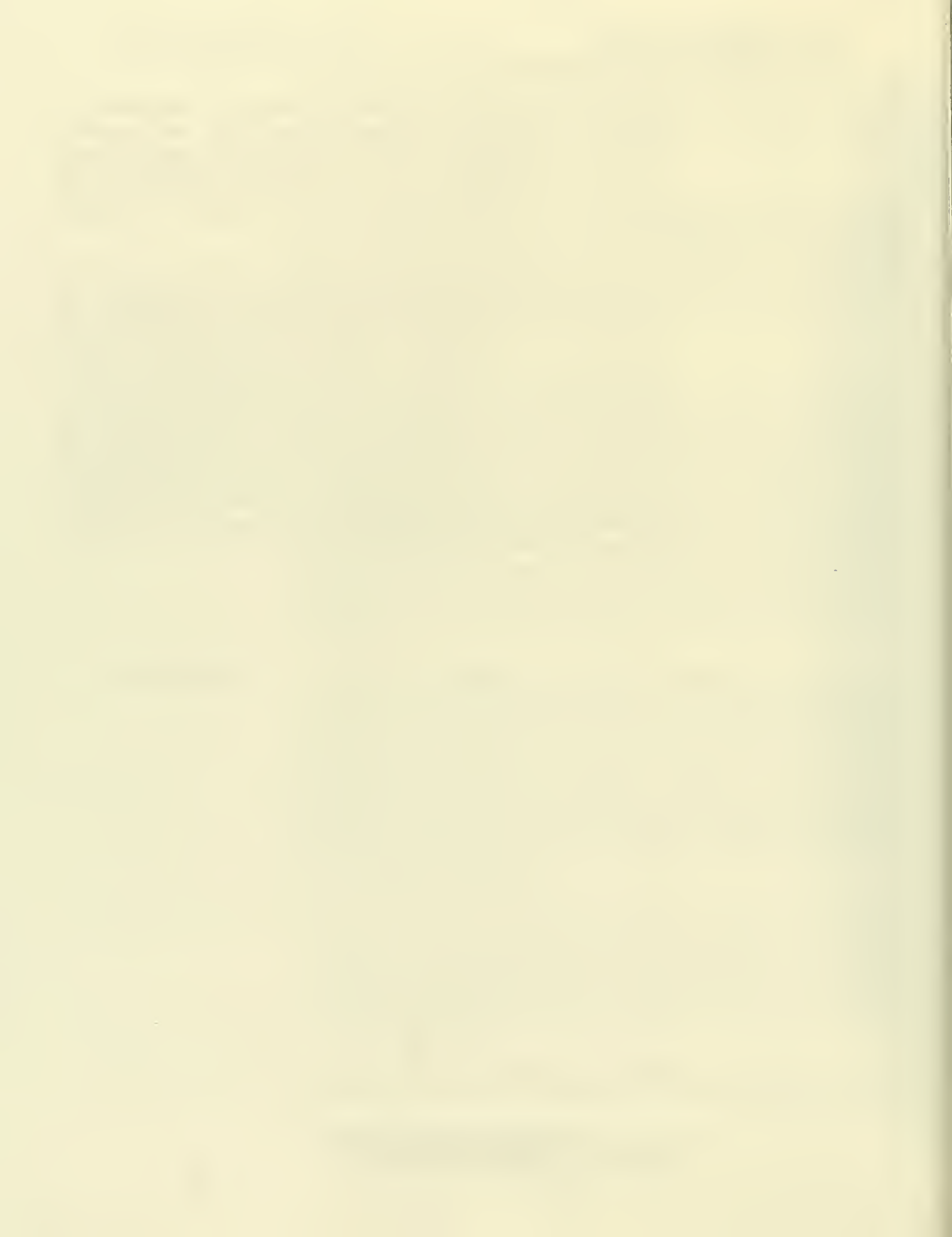
Delegating to departments the authority to execute procurements of less than \$5,000, while concurrently increasing the value of a procurement that must be made by written purchase order or written contract from \$1,000 to \$2,500, should lessen administrative costs and improve operational efficiency, given time to fully implement the new procedures. Also, by being relieved from the responsibility for executing most procurement orders of less than \$5,000, the Purchasing Department would be able to concentrate more of its efforts on those items where significant savings can be achieved, as noted in Comment No. 1. However, the precise impact in the cost of government cannot be determined.

Comments:

1. Mr. Rudolf Nothenberg, the Chief Administrative Officer, has stated that the intent of the proposed Charter Amendment is to streamline and make the process of acquiring goods and commodities more efficient by allowing individual departments to make those purchases for which involvement by the Purchasing Department adds little or no value. Further, according to Mr. Nothenberg, the proposed purchasing method would remove a significant amount of paperwork from the purchasing system and allow the purchasing staff to concentrate more of its efforts on those items where significant savings can be achieved by consolidated purchasing.
2. Mr. Nothenberg has stated that the delegation of purchasing authority to acquire items costing less than \$5,000 would occur on a department by department basis and would allow the Purchaser of Supplies to exclude from the delegation those types of items which in his judgment would be more economically purchased on a consolidated basis.
3. With respect to the provision in Section 7.100 requiring that all purchases in excess of \$1,000 be by written purchase order or

written contract, the rationale for increasing that requirement to \$2,500 is to decrease the amount of paperwork, and attendant administrative costs, of procuring materials, supplies, and equipment, particularly since this proposed amendment would also delegate to departments so authorized by the Purchaser of Supplies, the authority to execute procurements of less than \$5,000.

4. As previously cited, Section 7.103 of the Charter requires that all contracts for the purchase of materials, supplies, and equipment be made after inviting sealed bids by publication. Ms. Julia Ten Eyck of the City Attorney's Office reports that the rationale for specifying a minimum of \$50,000 for that requirement is to clarify the intent of the Charter to not require that formal and time-consuming process for items of lesser value. Section 21.6 of the Administrative Code, "Bidding Required For Purchases Exceeding Fifty Thousand Dollars; Form of Proposals; Opening of Proposals," specifies a minimum of \$50,000 for requiring that all contracts for the purchase of materials, supplies and equipment be made after inviting sealed bids by publication. The Administrative Code provision is currently practiced by the Purchasing Department.



Item 12 - File 259-93-1

Proposed Ballot

Measure: Charter Amendment

Draft: First Draft

Section Affected: The proposed Charter Amendment would amend Article VII, Special Procedures, by adding Section 7.504 thereto, relating to building inspection and construction.

Description: Section 3.510 of the Charter places certain departments, including the Department of Public Works, under the direction of the Chief Administrative Officer. The Bureau of Building Inspection is one of several technical bureaus assigned to the Department of Public Works. The proposed Charter Amendment would remove the Bureau of Building Inspection from the Department of Public Works and reassign the Bureau of Building Inspection to the Department of City Planning, as an integral component of the Department of City Planning.

The mission of the Bureau of Building Inspection is to safeguard life and limb, health, property, public welfare and public safety through the implementation and enforcement of local, State, and Federal laws and regulations concerning the design, construction, quality of materials, use and occupancy, location, and maintenance of buildings and structures within the City. The Bureau's mission is accomplished through the following activities:

1. Plan review and permit issuance to assure that proposed construction work meets minimum code requirements.
2. Field inspections to assure that construction follows the approved plans and code requirements.
3. Inspection of existing multiple-unit structures for compliance with the Housing Code.
4. Processing cases of non-compliance with Building Code and Housing Code requirements through an abatement program.
5. Providing consistent code interpretation and application to the public.
6. Educating the public on building safety requirements and building permit and construction inspection processes.

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7. Investigating complaints concerning construction, safety, and property use issues.
8. Working with other organizations having involvement or interest in code enforcement to improve existing codes and standards.

The proposed Charter amendment provides that the Superintendent of the Bureau of Building Inspection (BBI) shall be subject to the Civil Service provisions of the Charter. Further, should the proposed Charter amendment be approved, the person who has Civil Service status in the position of Superintendent of the Bureau of Building Inspection of the Department of Public Works on the date that the approval becomes effective would continue to serve as Superintendent of the Bureau of Building Inspection. Further, all incumbents legally appointed to positions in the Bureau of Building Inspection would, on the date that approval of this proposed amendment becomes effective, continue in those positions.

**Effect on the Cost
of Government:**

In the estimate of the Budget Analyst, the proposed Charter Amendment could significantly increase the level of services provided by the City in the functions of permit processing, code enforcement, and assuring conformance of construction to plans.

The proposed Charter Amendment could either increase or decrease the cost of government, since the proposed Charter Amendment does not provide staffing or other budgetary guidelines for the proposed organizational realignment. The cost of government could be increased to the extent that support functions that now serve all of DPW's bureaus, such as finance, personnel, and management information systems, would have to be duplicated in the Department of City Planning

Comments:

1. The Budget Analyst submitted a management audit report to the Board of Supervisors in October of 1989 on the City's permit processing system. The report, without specifying the precise nature or method of consolidating the Department of City Planning and the Bureau of Building Inspection, recommends the consolidation of these two City departments. Section 2.3 of that management audit report, "System Management and Organizational Relationships," states that there are potentially significant benefits to be gained by consolidating the Department of City Planning and the Bureau of Building Inspection into a single City department. Areas of potential benefit include improved permit processing, improved conformance of construction to plans, improved code

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June 15, 1993 Rules Committee Meeting

enforcement, improved funding for required resources, support personnel spread over a larger base, and the ability to combine talent within both organizations.

Further, the Budget Analyst recommends that the Mayor, Chief Administrative Officer, and the Board of Supervisors implement the necessary actions to consolidate the Department of City Planning and the Bureau of Building Inspection into a single City department.

2. Mr. John Cribbs, Director of Public Works, has provided the Budget Analyst with comments concerning the proposed organizational realignment. Those comments are contained in the Attachment. Mr. Cribbs has stated that the negative aspects of the proposed organizational realignment outweigh the primary benefits, which he considers to be improved permit processing and code enforcement. Mr. Cribbs has identified the following negative aspects of the proposed organizational realignment:

a. The burden of increased staff support services required from the Department of City Planning by BBI. Mr. Cribbs states that these services are already provided by the Department of Public Works for BBI.

b. The management staff of the Department of City Planning is not equipped to provide the expertise nor the support provided by the Department of Public Works to BBI in the event of a major catastrophe, such as an earthquake.

c. The merging of the BBI and the Department of City Planning would possibly result in an emphasis on BBI's permit processing capabilities to the detriment of fulfilling its responsibilities for enforcing State and Federal building codes for the safe use and occupancy of buildings and structures.

BOARD OF SUPERVISORS
BUDGET ANALYST



June 9, 1993

Mr. Harvey Rose
Budget Analyst
1390 Market Street, Suite 1025
San Francisco, CA 94102

Dear Mr. Rose:

In regard to the Charter Amendments adding Section 7.504 which deals with the transfer of the Bureau of Building Inspection to the Planning Commission, the Department of Public Works is not in favor of transferring the Bureau of Building Inspection to the Department of City Planning.

The negative features of this move outweigh the benefits of such transfer. One of the negative aspects of this transfer is that 175 people would be absorbed by the Department of City Planning currently staffed with about 80 people. This transfer would increase the burden on the staff support services from the Department of City Planning. These services are already provided by the Department of Public Works for the Bureau of Building Inspection.

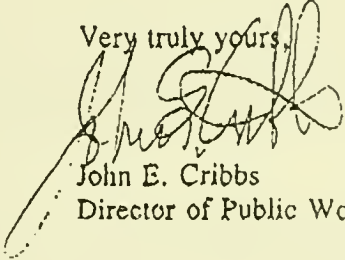
On the technical side, the Bureau of Building Inspection staff is composed of engineers, architects, inspectors, and clerical staff trained in the administration of the various codes with heavy emphasis on life safety and engineering. The managerial staff of the Department of City Planning cannot provide the expertise nor the support already provided by the Department of Public Works. In the event of a major catastrophe such as an earthquake, the Bureau of Building Inspection has the obligation to provide inspection of the buildings and structures damaged in the City and to coordinate its efforts with the Department of Public Works in order to return the City to its pre-earthquake condition. In transferring the Bureau of Building Inspection to the Department of City Planning the emergency technical support provided would not function as easily.

The Bureau of Building Inspection is charged with the enforcement of state and federal safety and building codes providing for the safe use and occupancy of buildings and structures. This is a state and federal mandate given to the Bureau of Building Inspection as the code enforcement agency for the City and County of San Francisco. By blending the Bureau of Building Inspection with the Department of City Planning we question whether the life safety issues will be provided equal time as compared to planning and zoning issues.

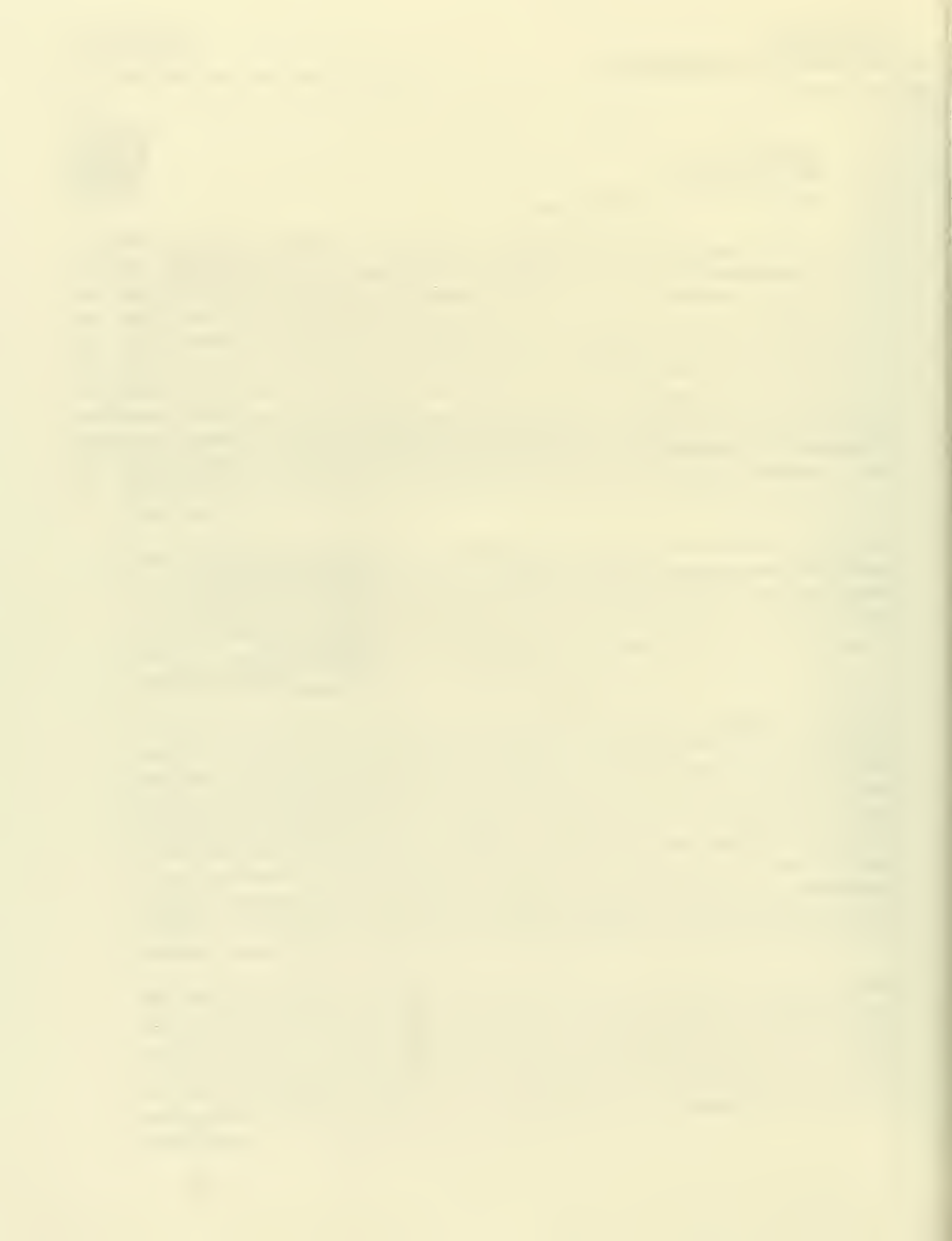
June 9, 1993
Mr. Harvey Rose
Page 2

On the positive side, the merging of the Bureau of Building Inspection with the Department of City Planning, since they are both related to the permit process, has some merits. However, it may be better advisable to remove the zoning enforcement and planning code enforcement from the Department of City Planning and merge those programs with the existing permit process system in the Bureau of Building Inspection, and eliminate the duplication of efforts existing between these two functions. The Planning Commission and staff, EIR review personnel, and the staff developing the various planning codes, zoning codes, and master plan, would remain in the Department of City Planning. The approximately 40 people in planning devoted to permit processing and code enforcement could be transferred to BBI for the creation of a truly one stop permit process.

Very truly yours,



John E. Cribbs
Director of Public Works



Item 13 -File 261-93-1

Proposed Ballot

Measure: Charter Amendment

Draft: First Draft

Sections Affected: Amendment to Section 8.406

Description: The proposed Charter Amendment relates to the reduction of salaries of City employees and officials. Specifically, the proposed Charter Amendment provides that when extraordinary economic conditions are projected due to unemployment, fire, earthquake, flood or other calamity, or a fiscal emergency has been certified by the Controller based on findings that General Fund revenues from Property Taxes, Sales Taxes and Federal and State Grants and Subventions are projected to be at least five percent below the original budget estimates within a current fiscal year, or are projected to be at least five percent below the current revised budget during the next budget year, the Board of Supervisors by a three-fourths vote, with the concurrence of the Mayor, would have the power to declare that a public emergency exists.

As both the current and proposed Charter provisions specify, while this emergency exists, deductions from employee salaries and compensation may be made. The proposed Charter Amendment would provide that uniform percentage deductions, certified by the Controller, could be made to salaries of all City and County employees in order to balance the budget deficit caused by the projected reduction in revenues, with a maximum of a five percent salary deduction being made to the salaries. If the emergency requires greater than the five percent salary deductions, based on a unanimous vote of the Board of Supervisors and with the approval of the Mayor, a further uniform deduction of up to 25 percent of employee salaries could be undertaken for all City and County employees.

**Effect on the Cost
of Government:**

As of the writing of this report, the Controller's Office has not yet prepared an analysis of the fiscal effect of the proposed Charter Amendment. However, given that the City's FY 1993-94 proposed budgeted payroll, excluding fringe benefits, is approximately \$1.2 billion, each one percent reduction of salaries would achieve an annual savings of approximately \$12 million. Therefore, an across-the-board reduction of five percent would result in an annual savings of approximately \$60 million. If the maximum 25 percent across-the-board reduction were imposed, an annual savings of \$300 million would be realized based on the FY 1993-94 payroll budget.

Comments:

1. Under the current provisions of the Charter, when based on the judgment of the Mayor and the Board of Supervisors, extraordinary economic conditions actually exist due to unemployment, fire, earthquake, flood or other calamity which adversely affect the life, health and welfare of the citizens of the City, the Board of Supervisors by a three-fourths vote, with the concurrence of the Mayor can declare that a public emergency exists. The proposed Charter Amendment would add fiscal emergency to these provisions, as certified by the Controller based on findings that General Fund revenues from Property Taxes, Sales Taxes and Federal and State Grants and Subventions are projected to be at least five percent below the original budget estimates within a current fiscal year or are projected to be at least five percent below the current revised budget during the next budget year. The proposed Charter Amendment would also delete the statement that these emergency conditions adversely affect the life, health and welfare of the citizens of the City.

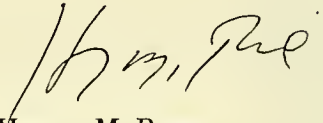
2. The current Charter provisions for the declaration of the emergency and fixing the approximate time the emergency would continue would remain unchanged. Specifically, no emergency could continue beyond the end of the fiscal year unless the emergency is declared after January 1st, in which case the emergency may continue until the end of the next succeeding fiscal year.

BOARD OF SUPERVISORS
BUDGET ANALYST

3. Under both the existing and proposed Charter provisions, deductions from the salaries of all City and County employees may be undertaken. However, the proposed Charter Amendment would change the formula for determining the employee salary and compensation deductions. The current Charter provisions detail deductions of from three percent to twenty percent of gross earnings, depending on the amount of an individual employee's monthly earnings, with lower wage employees receiving deductions of three percent, increasing to the highest wage employees receiving deductions of twenty percent. The proposed Charter Amendment would provide for a uniform maximum amount of a five percent salary deduction, determined by a three-fourths vote of the Board of Supervisors with the concurrence of the Mayor. A unanimous vote of the Board of Supervisors, with concurrence of the Mayor, would permit up to a maximum of 25 percent across-the-board salary deductions for all City and County employees.

4. The proposed Charter Amendment also states that these provisions will have precedence over other provisions of the City's Charter and shall be incorporated in any ordinance, agreement or arbitrator's award referencing employees' or officers' compensation, enacted, entered into, amended or extended after the effective date of this section. According to Ms. Vicki Clayton of the City Attorney's Office, if the proposed Charter Amendment is approved by the voters, all future Memorandum of Understanding (MOUs) and contracts with City employee unions will contain language to ensure that the provisions of this Charter Amendment are incorporated into such agreements. Mr. Buck Delventhal reports that there may be some Constitutional questions concerning whether the proposed Charter Amendment could apply to existing agreements.

5. The proposed Charter Amendment would not affect employee's benefits, pension payments and allowances under the City's Retirement System since retirement benefits would continue to be calculated based on the gross salaries, as if no deductions were made.



Harvey M. Rose

cc: President Alioto
Supervisor Bierman
Supervisor Conroy
Supervisor Hallinan
Supervisor Hsieh
Supervisor Kaufman
Supervisor Kennedy
Supervisor Leal
Supervisor Maher
Supervisor Migden
Supervisor Shelley
Clerk of the Board
Chief Administrative Officer
Controller
Teresa Serata
Barbara Kolesar
Ted Lakey

CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 MARKET STREET, SUITE 1025

SAN FRANCISCO, CALIFORNIA 94102 • TELEPHONE (415) 554-7642

June 25, 1993

TO: Rules Committee
FROM: Budget Analyst
SUBJECT: June 29, 1993 Special Rules Committee Meeting

Item 2 - File 242-93-1

Note: This item was continued from the June 15, 1993 Rules Committee meeting pending a meeting and discussion between the Author of the proposed Charter Amendment and Ms. Teresa Serata of the Mayor's Office.

Proposed Ballot

Measure: Charter Amendment

Draft: First Draft

Sections Affected: Amendment to Section 6.203

Description: The proposed Charter Amendment would require the Mayor to transmit the annual budget to the Board of Supervisors by the first day of May each year. The current Charter provisions require that the Mayor transmit the proposed budget to the Board of Supervisors by the first day of June each year.

In addition, the proposed Charter Amendment would add the language "or she" to the existing "he", when referring to the Mayor.

**Effect on the Cost
of Government:**

Changing the date the Mayor must transmit the City's proposed budget to the Board of Supervisors from June 1 to May 1 should not affect the cost of government.

Comments:

1. Under the current Charter provisions and schedule, the Mayor must transmit the proposed budget to the Board of Supervisors on June 1st and the Budget Committee of the Board of Supervisors begins their public hearing and deliberation process within approximately two to three weeks. The hearings generally last two weeks, at which time the recommendations of the Budget Committee are sent to the full Board of Supervisors.

2. Charter provisions currently require that the Board of Supervisors on or before June 30th of each year enact an Interim Annual Appropriation Ordinance and an Interim Annual Salary Ordinance and not earlier than July 15th, nor later than August 1st of each year adopt the Annual Budget and the Appropriation Ordinance, which supersedes the Interim Annual Appropriation Ordinance. The proposed Charter Amendment would not change these Board of Supervisors deadlines for completing their budget review. Therefore, the proposed Charter Amendment to require the Mayor to submit the budget by May 1 rather than June 1 would provide the Board of Supervisors with an additional month of time in which to review the City's annual budget.

3. If the proposed Charter Amendment is approved by the voters in November, 1993, the Mayor would be required to submit the FY 1994-95 budget to the Board of Supervisors by May 1, 1994. Ms. Teresa Serata of the Mayor's Office has requested that the proposed Charter Amendment be amended to take effect for the FY 1995-96 budget year, rather than the FY 1994-95 budget year. According to Ms. Serata, in order to comply with the proposed revised May 1 schedule, budget instructions should be issued to the City departments by October 1 rather than the current November 1. Since the election to determine the outcome of this Charter Amendment would not occur until early November, 1993, the departments would have one month less time to complete their budget process in FY 1994-

**Memo to Rules Committee
June 29, 1993 Special Rules Committee Meeting**

95. Furthermore, Ms. Serata anticipates that given the State's fiscal problems for FY 1993-94, the City may still be grappling with the impacts of the State cutbacks during the Fall of 1993.

4. If the Mayor is required to submit the City's proposed budget to the Board of Supervisors by May 1 instead of June 1, the Budget Analyst would have additional time to review the City's budget and would be able to provide a more thorough or detailed analysis for the Board of Supervisors. The Board of Supervisors would also have additional time for review and to receive public input and comment on the City's proposed budget.

Memo to Rules Committee
June 29, 1993 Special Rules Committee Meeting

Item 3 -File 261-93-1

Note: This item was continued from the June 15, 1993 Rules Committee meeting.

Proposed Ballot

Measure: Charter Amendment

Draft: Second Draft

Sections Affected: Amendment to Section 8.406

Description: The proposed Charter Amendment relates to the reduction of salaries of City employees and officials. Specifically, the proposed Charter Amendment provides that when extraordinary economic conditions are projected due to unemployment, fire, earthquake, flood or other calamity, or a fiscal emergency has been certified by the Controller based on findings that General Fund revenues from Property Taxes, Sales Taxes and Federal and State Grants and Subventions are projected to be at least five percent below the original budget estimates within a current fiscal year, or are projected to be at least five percent below the current revised budget during the next budget year, the Board of Supervisors by a majority vote, with the concurrence of the Mayor, would have the power to declare that a public emergency exists.

As both the current and proposed Charter provisions specify, while this emergency exists, deductions from employee salaries and compensation may be made. The proposed Charter Amendment would provide that uniform percentage deductions, certified by the Controller, could be made to salaries of all City and County employees in order to balance the budget deficit caused by the projected reduction in revenues, with a maximum of a five percent salary deduction being made to the salaries. If the emergency requires greater than the five percent salary deductions, based on a unanimous vote of the Board of Supervisors and with the approval of the Mayor, a further uniform deduction of up to 15 percent of employee salaries could be undertaken for all City and County employees.

**Effect on the Cost
of Government:**

The Controller's Office reports that the proposed Charter Amendment would be a means of assisting the City in balancing an annual fiscal crises. However, Mr. John Madden of the Controller's Office notes that the proposed Charter Amendment would only be a temporary adjustment of costs to meet the reduced revenues. According to Mr. Madden, after the declared emergency period had ended, the City's costs would return to the pre-emergency period, and there would be no long-term reduction in City costs.

However, given that the City's FY 1993-94 proposed budgeted payroll, excluding fringe benefits, is approximately \$1.2 billion, each one percent reduction of salaries would achieve an annual savings of approximately \$12 million. Therefore, an across-the-board reduction of five percent would result in an annual savings of approximately \$60 million. If the maximum 15 percent across-the-board reduction were imposed, an annual savings of \$180 million would be realized based on the FY 1993-94 payroll budget.

Comments:

1. Under the current provisions of the Charter, when based on the judgment of the Mayor and the Board of Supervisors, extraordinary economic conditions actually exist due to unemployment, fire, earthquake, flood or other calamity which adversely affect the life, health and welfare of the citizens of the City, the Board of Supervisors by a majority vote, with the concurrence of the Mayor can declare that a public emergency exists. The proposed Charter Amendment would add fiscal emergency to these provisions, as certified by the Controller based on findings that General Fund revenues from Property Taxes, Sales Taxes and Federal and State Grants and Subventions are projected to be at least five percent below the original budget estimates within a current fiscal year or are projected to be at least five percent below the current revised budget during the next budget year. The proposed Charter Amendment would also delete the statement that these emergency conditions adversely affect the life, health and welfare of the citizens of the City.

Memo to Rules Committee
June 29, 1993 Special Rules Committee Meeting

2. The current Charter provisions for the declaration of the emergency and fixing the approximate time the emergency would continue would remain unchanged. Specifically, no emergency could continue beyond the end of the fiscal year unless the emergency is declared after January 1st, in which case the emergency may continue until the end of the next succeeding fiscal year.

3. Under both the existing and proposed Charter provisions, deductions from the salaries of all City and County employees may be undertaken. However, the proposed Charter Amendment would change the formula for determining the employee salary and compensation deductions. The current Charter provisions detail deductions of from three percent to twenty percent of gross earnings, depending on the amount of an individual employee's monthly earnings, with lower wage employees receiving deductions of three percent, increasing to the highest wage employees receiving deductions of twenty percent. The proposed Charter Amendment would provide for a uniform maximum amount of a five percent salary deduction, determined by a majority vote of the Board of Supervisors with the concurrence of the Mayor. A unanimous vote of the Board of Supervisors, with concurrence of the Mayor, would permit up to a maximum of 15 percent across-the-board salary deductions for all City and County employees.

4. The proposed Charter Amendment also states that these provisions will have precedence over other provisions of the City's Charter and shall be incorporated in any ordinance, agreement or arbitrator's award referencing employees' or officers' compensation, enacted, entered into, amended or extended after the effective date of this section. According to Ms. Vicki Clayton of the City Attorney's Office, if the proposed Charter Amendment is approved by the voters, all future Memorandum of Understanding (MOUs) and contracts with City employee unions will contain language to ensure that the provisions of this Charter Amendment are incorporated into such agreements. Mr. Buck Delventhal reports that

**Memo to Rules Committee
June 29, 1993 Special Rules Committee Meeting**

there may be some Constitutional questions concerning whether the proposed Charter Amendment could apply to existing agreements.

5. The proposed Charter Amendment would not affect employee's benefits, pension payments and allowances under the City's Retirement System since retirement benefits would continue to be calculated based on the gross salaries, as if no deductions were made.

Item 4- File 250-93-1

**Proposed Ballot
Measure**

Charter Amendment

Draft:

First Draft

Section Affected:

The proposed Charter Amendment would repeal Sections 3.590 through 3.599, and add Sections 3.511 through 3.511-5 and Sections 3.590 through 3.596, and amend Sections 3.401, 3.521, 3.538, 6.200, 6.205, 6.401, 6.407, 6.407-1, 6.407-2, 7.312, 7.313, 7.402, 8.107 and 8.346.

Description:

Water and Power

The proposed Charter Amendment would eliminate the Public Utilities Commission (PUC) and transfer all water and power-related functions of the PUC to a new Department of Water and Power. The functions to be transferred from the PUC would be the Water Department, the Hetch Hetchy Project, the Bureau of Light, Heat and Power, the Bureau of Energy Conservation and any other water or power-related activities of the PUC. In addition, the proposed Charter Amendment would transfer the Clean Water Enterprise for the collection, treatment, disposal and reuse of sewage from the Department of Public Works (DPW) and the Auxiliary Water Supply System from the Fire Department to the new Department of Water and Power.

Existing provisions of the Charter provide for a Public Utilities Commission, consisting of five members appointed by the Mayor. The PUC appoints a Manager of Utilities, and approves the Manager's appointments of heads of departments and bureaus under the Commission. Under the proposed Charter Amendment, there would be no commission governing water and power functions. The Chief Administrative Officer (CAO) would appoint a Director of the Department of Water and Power, who would in turn appoint or remove the heads of divisions and bureaus under the Department, subject to the approval of the CAO. The proposed Charter Amendment would establish three divisions within the Department: the Water Supply Division, the Hetch Hetchy Project Water and Power Division and the Water Pollution Control Division. The Director is given the authority, with the approval of the CAO, to create any necessary bureaus.

Rates for the utilities under the jurisdiction of the PUC are currently set by the PUC and submitted to the Board of

Supervisors for approval. A two-thirds vote of the Board of Supervisors is required to reject rate changes proposed by the PUC. Charges for sewage collection, treatment and disposal services are proposed by DPW, recommended by the CAO and set directly by the Board of Supervisors.

Under the proposed Charter Amendment, water rates would be set similarly to the way sewer rates are now set. The CAO would recommend a schedule of rates to the Board of Supervisors, which could adopt, reject or adjust the recommended schedule by a simple majority vote. Sewer rates would continue to be set by ordinances enacted by the Board of Supervisors. Under the existing Charter, the PUC must hold a public hearing prior to adopting or revising any schedule of rates. Under the proposed Charter Amendment there would no longer be a commission governing the water supply system. Instead, the Board of Supervisors would be required to hold a public rate hearing for any water or sewer rate changes.

Public Transportation

The proposed Charter Amendment would also transfer the functions of the Municipal Railway (Muni) from the PUC to a new Department of Public Transportation, which would have responsibility for all public transportation functions of the City and County of San Francisco.

The Department of Transportation would be managed and controlled by a Public Transportation Commission consisting of five members appointed by the Mayor to staggered four year terms. At least three members of the Commission would be required to possess expertise or professional experience in the field of public transportation, and at least two members would be required to be regular riders of the City's public transportation system. Whereas the Charter presently provides that members of the PUC receive compensation of \$100 per month, the proposed Charter Amendment states that members of the Public Transportation Commission would serve without compensation.

The Public Transportation Commission would appoint a Director of Public Transportation, and approve the Director's appointments of up to three deputy directors. Muni now has four deputy directors.

Under the existing Charter, Muni fares are set by the PUC and submitted to the Board of Supervisors for approval. A

two-thirds vote of the Board of Supervisors is required to reject fare changes proposed by the PUC. The proposed Charter Amendment would shift responsibility for setting fares to the new Public Transportation Commission. The Board of Supervisors would be empowered not only to reject but also to modify the rate changes proposed by the Commission with a two-thirds vote.

The Public Transportation Commission would have a similar requirement to hold a public hearing prior to adopting or revising a schedule of fares as does the PUC under the existing Charter, except that the hearing would have to occur not less than fifteen days after the last publication of a notice of intent to adopt or revise fares, compared to the existing ten day waiting period between publication and public hearing.

The proposed Charter Amendment contains essentially the same language regarding regulation of street railways as does the existing Charter. Specific routes for cable car lines are detailed and the Public Transportation Commission would be required to maintain and operate the cable car lines at or above the levels of scheduling and service in effect on July 1, 1971, as provided in the current Charter.

The current Charter requires that Muni submit a recommendation to the Board of Supervisors prior to abandoning or discontinuing service on existing street railways, bus lines, trolley bus lines or cable car lines. The Board of Supervisors has 30 days to disapprove the recommendation by at least nine votes. The proposed Charter Amendment would require a two-thirds vote of the Board of Supervisors (or at least eight votes rather than the current nine) to disapprove such a recommendation.

The proposed Charter Amendment would dedicate the following revenues to be set aside for the operations and capital improvements of the Department of Public Transportation:

1. Parking Meter revenues, except those amounts to be credited to the Off-Street Parking Fund. The City Traffic Code requires that Parking Meter revenues in excess of the first \$6 million accrue to the Off-Street Parking Fund. In FY1992-93, the amount of meter revenues not designated for the Off-Street Parking Fund (but designated to the General Fund) was increased to \$8 million by ordinance, and legislation has been prepared by DPT to continue the \$8 million level in FY1993-94. Currently, the \$8 million of

parking meter revenues not designated for the Off-Street Parking Fund are deposited in the General Fund.

Total for Department of Transportation: \$8 million
at FY1993-94 level

City-Owned Off-Street Parking Facilities. The City owns 22 parking garages, including facilities leased to private owners and non-profit corporations. Thomas Owen of the City Attorney's Office advises that language will be inserted in the proposed Charter Amendment to exclude garage revenues designated for specific funds or purposes in Section 213 of the Traffic Code, which would include the garage revenues that go to the Recreation and Park Department, as well as garage revenues dedicated to the Off-Street Parking Fund. The balance of revenues from City-owned off-street parking facilities, projected at \$5.4 million for FY1993-94, now accrue to the General Fund.

Total for Department of Transportation: \$5.4 million
at FY1993-94 level

3. Fines, Forfeited Bail, or Penalties for Parking Violations.
All parking fine revenues now accrue to the General Fund.

Total for Department of Transportation: \$43.2 million
at FY1993-94 level

4. Parking Tax Revenues, except for surcharges imposed since 1978 and except for set-aside for senior citizens' programs. Base parking tax revenues now go to the General Fund.

Total for Department of Transportation: \$17.7 million
at FY1993-94 level

TOTAL DESIGNATED REVENUES \$74.3 million
AT FY1993-94 LEVEL

These revenues, together with any interest earned on them, would be reserved in a special fund and any unspent amounts would be carried forward to the next fiscal year for use by the Department of Public Transportation.

**Effect on the Cost
of Government:**

Mr. John Madden of the Controller's Office reports that the proposed Charter Amendment could increase or decrease the cost of government, however, the amount of such increase or decrease is indeterminable at the present time.

The proposed Charter Amendment could either increase or decrease the cost of government, since the proposed Charter Amendment does not provide staffing or other budgetary guidelines for the Department of Water and Power or the Department of Public Transportation, other than to establish that there would be not more than three deputy directors for the Public Transportation Department and a total of three divisions (but no limit on the number of bureaus) in the Department of Water and Power.

The cost of government could be reduced if positions were eliminated and total personnel costs and other expenditures were reduced as part of the consolidation process. The cost of government could be increased to the extent that support functions that now serve both water and transit utilities in the PUC, such as finance, engineering, management information systems and personnel were duplicated in both of the new departments. Potential duplication of DPW support services for the Clean Water Enterprise that also serve other DPW functions or Fire Department support services for the Auxiliary Water Supply System that also serve other Fire Department functions could also raise the cost of government.

Comments:

1. In the FY1993-94 budget, the Municipal Railway (Muni) is slated to receive \$87.5 million in subsidies from the General Fund. The proposed fund designation for the Department of Public Transportation would be approximately \$74.3 million at FY1993-94 levels. If the proposed Charter Amendment was passed by the voters, Muni (which would be part of the Department of Transportation) would still require a General Fund subsidy, but much of the needed subsidy would be provided through the fund designation. The actual amount would vary from year to year, depending upon changes in designated revenues. Although the proposed fund designation would not effect the cost of government, it would decrease the power of the Mayor and the Board of Supervisors to reduce the level of subsidy to Muni.
2. The 1992-1993 Civil Grand Jury for the City and County of San Francisco recommends in its March 9, 1993 report that the PUC be abolished in order to "better delineate responsibility and improve accountability."
3. The Civil Grand Jury recommends creation of a Water Management Commission, with the Water Department, Hetch Hetchy Project and the Clean Water Enterprise functioning as separate departments under the new

commission. Under the proposed Charter Amendment, a single department would be created under the CAO. The proposed Charter Amendment does not include the creation of a Water and Power Management Commission, although it would establish a Public Transportation Commission.

4. As now written, the proposed Charter Amendment would designate all revenues from City-owned off-street parking facilities to the Department of Public Transportation. If this is not amended to designate only those off-street parking revenues that currently accrue to the General Fund, the Off-Street Parking Fund would lose approximately \$2.3 million in revenues for debt service and garage capital improvements, and the Recreation and Park Department would lose approximately \$5.3 million in revenues. As noted above, Mr. Thomas Owen of the City Attorney's Office advises that language will be introduced as an amendment at the June 29, 1993 Special Rules Committee meeting, to narrow the designation of off-street parking revenues.

Memo to Rules Committee
June 29, 1993 Special Rules Committee Meeting

Item 5 - File 262-93-1

Proposed Ballot

Measure:

Charter Amendment

Draft:

First Draft

Section Affected:

Amendment to Section 8.407

Description:

The proposed Charter Amendment would amend Section 8.407 relating to the setting of salaries for Miscellaneous employees. Specifically, the proposed Charter would delete all references to the private sector and eliminate the private sector employment data from the salary and wage survey data collected by the Civil Service Commission.

Currently, the Civil Service Commission annually conducts a comprehensive survey of wages and salaries in other governmental jurisdictions and private employment for comparable job classifications, based on specific benchmark classes, for those classifications of Miscellaneous employees that have not opted into collective bargaining. Such data are collected from (a) the Bay Area counties of Alameda, Contra Costa, Marin, San Mateo and Santa Clara, (b) the ten most populous cities in these five Bay Area counties based on the latest Federal census and (c) agencies of the State and Federal government and school districts and other special districts in the five Bay Area counties and San Francisco, as determined by the Civil Service Commission. If the Civil Service Commission determines that there is insufficient data from these Bay Area public jurisdictions, the Commission can survey other major public agencies in the State that employ more than 3,000 employees. In such cases, data from the City and County of Los Angeles as well as other jurisdictions are collected for comparative purposes.

In addition, the Charter currently specifies that the Civil Service Commission staff shall collect private sector salary data from recognized governmental Bay Area salary and wage surveys conducted of private employers in the six Bay Area counties. The proposed Charter Amendment would delete all reference to such private sector data, such that the Civil Service Commission would only be responsible for collecting data from public sector agencies.

**Effect of Cost
on Government:**

The Civil Service Commission's FY 1993-94 budget includes \$96,000 for The Bay Area Salary Survey Committee (BASSC) to provide specific private industry data for the City's salary standardization computations. If the proposed Charter Amendment is approved, the City could directly save this \$96,000 annually.

In addition, significant additional savings would be realized from individual salaries that would not be increased. The Controller's Office previously estimated that \$41 million of annual General Fund savings could be achieved if private sector data were removed from the City's salary data. However, this \$41 million annual estimate assumes that salaries could be reduced, based on the updated public sector survey data. However, Charter Section 8.407 states that no employee shall have their basic pay rate reduced to conform to prevailing rates. Unless this provision of the Charter was amended, it would take many years for the City to realize this estimated \$41 million of annual savings.

According to the Budget Analyst's detailed review in FY 1991-92, the City would have saved approximately \$6.1 million if Civil Service were not required to use private sector salary survey data to calculate salary standardization for fiscal year 1991-92.

However, it should be noted that individual employee groups that participate in salary standardization for setting salaries could opt for collective bargaining (Proposition B). Employee groups might opt for collective bargaining if they felt that their salaries were to be adversely impacted by the results of non-private survey data, thus eliminating the potential savings to the City of the proposed Charter Amendment.

Comments:

1. Based on the April, 1991 report of the Budget Analyst on the review of the Salary Standardization Process for Miscellaneous Employees for FY 1991-92, the private sector survey data was used for salary standardization computations of 39 benchmark classes or approximately 55 percent of the City's 53 benchmark classes. For these benchmark classes, the private sector data effectively controlled the resulting salary calculations because the private sector data included proportionally larger numbers of employees in relation to the number of employees in the public sector. The Budget Analyst's review of 36 of these classes disclosed that in 29 of the 36 classes, the private sector data weighted the overall survey results upward,

causing those salary ranges to be higher than comparable salary ranges in the public sector.

This review also found that although the public sector salaries have been systematically determined by Civil Service to be comparable to the associated City classes, verification of similar job descriptions cannot be done by the Civil Service for the private sector data, due to the confidential nature of the private industry data.

2. Mr. Geoffrey Rothman of the Civil Service Commission reports that due to recent Charter Amendments, most of the City's employees are currently pursuing collective bargaining agreements instead of Civil Service's salary standardization survey method for determining employee compensation. According to Mr. Rothman, currently only approximately 6,000 of the total 23,311 permanent authorized City positions use the Civil Service's Salary Standardization process to determine salaries. However, Mr. Rothman estimates that, if the proposed Charter Amendment were approved, there would still be considerable savings to the City, particularly concerning the crafts worker salaries.

3. Mr. Rothman cautions however, that significant salary savings may not be achieved in the first year, because, as noted above, the Charter stipulates that no employee shall have their basic pay rate reduced to conform to prevailing rates. Therefore, even if the salary survey indicates a lower average public salary than the City currently pays, employee salaries would remain at their current levels. Employee salaries would not be increased until such time that the public survey data indicated that a salary increase was warranted.

4. According to Mr. Rothman, the Civil Service Commission determines one rate for all positions in a class, whether an individual position is vacant or filled. Therefore, although the Charter stipulates that no employee shall have their basic pay rate reduced to conform to prevailing rates, the Civil Service Commission has not used a two-tiered system to reduce the pay of vacant classifications, if the survey indicated a lower salary was warranted. If such a two-tiered system was developed, there could be additional savings for the City, although the precise amount cannot be determined at this time. However, since most of the City's vacant positions have been deleted from the budget, the potential additional savings should be limited.

Item 6 - File 257-93-1

Proposed Ballot

Measure: Charter Amendment

Draft: First Draft

Section Affected: The proposed Charter Amendment would amend Section 6.304, relating to disbursements in advance of revenues.

Description: Section 6.304, entitled "Disbursements in Advance of Revenues," provides that the Board of Supervisors may, by annual tax levy, gradually increase the Cash Reserve Fund, authorized and created by the provisions of Section 6.306 of the San Francisco Charter. This Cash Reserve Fund may be used either to pay for legally budgeted expenditures in anticipation of the collection, after the close of the fiscal year, of legally collectible taxes and other revenues, or to pay that portion of the authorized expenses of the City and County for any fiscal year which becomes due and must be paid prior to the receipt of tax payments for that fiscal year. Therefore, the Cash Reserve Fund is used as a working capital fund to pay for City bills during periods of time when revenues due to the City have not yet been collected.

Presently, Charter Section 6.304 stipulates that in the event that funds are not available in the Cash Reserve Fund to meet the authorized expenditures of any fiscal year, the Controller and the Mayor may recommend the transfer or loan from a fund with temporarily idle balances. The Board of Supervisors, may then, by ordinance, and with the written approval of the officer, board, or commission responsible for the management and control of the proposed fund, authorize the Treasurer to make temporary transfers or loans, for specified periods, of idle, unencumbered balances in any fund in his or her custody.

At present, Section 6.304 further states that approval for the transfer of funds by the officer, board, or commission concerned shall specify that the amount proposed to be transferred or loaned from such Fund will not be needed for the purpose of such Fund prior to the date specified for its return. In addition, the Fund from which such transfer or loan is made shall be charged with the amount of such transfer or loan, and such amount shall not be available for any other expenditures or payments prior to the date on which the transfer or loan is repaid.

Finally, Section 6.304 currently provides that any authorized transfer or loan of a temporarily idle balance made during the

first half of any fiscal year shall be repaid prior to the 1st day of January of said year, and any transfer or loan made during the remaining one half of said fiscal year shall be repaid prior to the 15th day of May of said year.

The proposed Charter amendment would eliminate the requirement that the Board of Supervisors, by ordinance, authorize the Treasurer to make temporary transfers or loans from idle funds, and instead would permit the Controller and Treasurer to provide monies from any legally available source within the pooled funds of the City or County. The proposed Charter amendment would also rescind the requirement that the amount transferred be approved by the officer, board, or commission concerned. Finally, the proposed Charter amendment would require that the transfer or loan be repaid within one year of transfer, rather than prior to January 1st or May 15th, depending on the date of the transfer, as Section 6.304 presently reads.

**Effect on the Cost
of Government:**

The Controller's Office reports that the proposed Charter Amendment would not increase the cost of government.

Comments:

1. According to Mr. Ed Harrington, City Controller, the existing language of Charter Section 6.304 was written before computers were in widespread use and is based on manual recordkeeping processes. Mr. Harrington reports that this cumbersome process required by the existing Charter provisions is no longer compatible with the way City business is done.

2. Instead of using the Cash Reserve Fund, the proposed Charter amendment would allow the City Controller and Treasurer to use the "Pooled Fund" concept for cash management, according to Mr. Harrington. Mr. Harrington states that this process allows for two or more funds within the City to borrow from each other to meet temporary cash deficits. Mr. Harrington further reports that lending funds would be paid interest so that no Fund would suffer financial loss through this process.

3. According to Mr. Harrington, it must be recognized that the City is increasingly more reliant on outside grant funds for services offered, especially in Health and Welfare. He reports that, typically, the Controller must spend General Fund monies first and then be reimbursed. The new mechanism described in the proposed Charter Amendment, according to Mr. Harrington, would allow these temporary cash flow borrowings to be handled administratively.

4. As previously stated, the proposed Charter Amendment would eliminate the requirement that the Board of Supervisors, by ordinance, authorize the Treasurer to make temporary transfers or loans from idle funds, and instead would permit the Controller and Treasurer to provide monies from any legally available source within the pooled funds of the City. Such a change in policy removes certain authority from the Board of Supervisors.

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Item 7 - File 265-93-1

Proposed Ballot

Measure:

Charter Amendment

Draft:

First Draft

Section Affected:

Amendment to Sections 8.509-1 through 8.590-7

Description:

The proposed Charter Amendment would amend Sections 8.590-1 through 8.590-7 related to the bargaining of compensation and working conditions of District Attorney Investigators.

Specifically, the proposed Charter Amendment would add District Attorney Investigators to Firefighters, Police Officers and Airport Police Officers, which require binding arbitration for wages, hours, benefits or terms and conditions of employment with the City. Under the proposed Charter Amendment, all of the current Charter provisions relating to negotiations and binding arbitration for Firefighters, Police Officers and Airport Police would simply be expanded to include District Attorney Investigators. This would include a provision that requires that employees who willfully engage in a strike against the City be dismissed from their employment.

Under the proposed Charter Amendment, the City would be required to negotiate in good faith with recognized employee organizations representing Firefighters, Police Officers, Airport Police Officers and District Attorney Investigators on all matters relating to the wages, hours, benefits and other working conditions. Any disputes or controversies pertaining to such negotiations which remain unresolved after good faith negotiations would be submitted to a three-member Board of Arbitrators upon the declaration of an impasse either by the authorized representative of the City or by the recognized employee organization involved in the dispute.

The three member Board of Arbitration would be made up of one member each as selected by the City and the employee's organization and the third member would be selected by agreement between the City and the employee organization.

The third member would serve as the neutral arbitrator and Chairperson of the Board of Arbitration. If an impasse occurs on the selection of the Chairperson, either the City or the employee's organization may request the State of California Mediation and Conciliation Service to provide a list of seven qualified and experienced labor arbitrators, one of which would be selected as the Chairperson of the Board of Arbitration.

The Arbitration Board would hold hearings, receive evidence, meet privately with the parties and provide mediation for the issues in dispute. In the event no agreement is reached, the Arbitration Board may decide each remaining issue in dispute by majority vote. Their decision would be based on the last offer of settlement on that issue which the Arbitration Board finds most nearly conforms to those factors traditionally taken into consideration in the determination of wages, hours, benefits and terms and conditions of public and private employment.

According to the existing and proposed Charter Amendment, the impartial Arbitration Board shall also consider the financial condition of the City and its ability to meet the costs of the decision of the Arbitration Board.

Any costs associated with the proposed arbitration proceedings would be borne equally by the parties involved, and all other expenses would be borne by the individual party incurring those expenses.

According to the proposed Charter Amendment, no agreement reached by the parties or arbitration board can reduce the vested retirement benefits of these employees and any change in vested retirement benefits must be subject to the written approval of each individual beneficiary.

Effect on the

Cost of Government:

The Controller's Office reports that in and of itself the proposed Charter Amendment would not affect the cost of government. However, if the proposed Charter Amendment is approved, future negotiations or actions by a Board of Arbitration could result in increased costs to the City, the amount of which is presently indeterminable.

The fiscal impact of the proposed Charter Amendment will depend on the specific wage, hour, benefit and other terms proposed by the City, the employee organizations and/or the Arbitration Board. However, the Budget Analyst notes that the prior binding arbitration award resulted in significant additional costs to the City.

In 1992, Memoranda of Understanding were approved for Police Officers, Firefighters and Airport Police based on the results of binding arbitration. Based on the Budget Analyst's review, the estimated total cost of the provisions of the Police Officer's MOU was \$332.6 million for the three year period from FY 1992-93 through FY 1994-95. Approximately \$75.7 million of these costs were estimated to result from additional new benefits. These costs did not include the provisions for the Firefighters and Airport Police, which were comparable to the Police Officers.

Comments:

1. Mr. Geoffrey Rothman of the Civil Service Commission reports that the District Attorney Investigators' salaries are currently determined by Section 8.407 of the Charter, in accordance with Salary Standardization survey procedures. Based on Proposition B, approved by the voters in 1992, Mr. Rothman notes that District Attorney Investigators can currently opt for collective bargaining. As opposed to Proposition B, it should also be noted that the proposed Charter Amendment is not a pure collective bargaining proposal because it removes retirement benefits from the bargaining process.

2. Mr. Rothman notes that the Public Defender's Office and the City Attorney's Office also have Investigators that perform fairly comparable duties to the District Attorney Investigators. However, the proposed Charter Amendment

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would only apply to the District Attorney Investigators.

3. The Budget Analyst notes that the proposed Charter Amendment only refers to District Attorney Office Investigators and does not specify which District Attorney Investigators would be covered under the proposed legislation. Ms. Vicki Clayton of the City Attorney's Office reports that the proposed Charter Amendment could cover any investigator in the District Attorney's Office. However, Mr. Bill Gill of the Employee Relations Division reports that a new 8132 class of Investigative Assistants should definitely not be included and he felt that it was questionable whether the Family Support Investigator positions should be included. The FY 1993-94 budget contains the following classifications that could be affected by the proposed Charter Amendment:

<u>Classification and Title</u>	<u>Number of Positions</u>
8146 District Attorney Investigators	26
8147 Senior District Att Investigators	17
8148 Chief Investigator	1
8149 Assistant Chief Investigator	1
8150 Principal Investigator	1
8132 Assistant Investigators	10
8157 Family Support Investigators- I	0
8158 Family Support Investigators- II	60
8159 Family Support Investigators- III	13
8160 Ass Chief- Family Support Invest.	2
8161 Chief- Family Support Invest.	<u>1</u>
Total	132

The specific District Attorney Investigator positions that are to be included under the proposed Charter Amendment should be clarified.

4. Although the Charter Amendment states that the Arbitration Board shall consider the financial condition of the City and its ability to meet the costs of their decision, binding arbitration gives a non-elected third party complete discretion in setting salaries and working conditions. This procedure limits the Mayor and Board of Supervisors' budget authority and their ability to control costs.

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Item 8 - File 266-93-1

**Proposed Ballot
Measure:**

Charter Amendment

Draft:

First Draft

Section Affected:

Amendment to Sections 8.100, 9.103, 9.104, 9.108, 9.109, 9.110, 9.111, 9.113 and 9.114, adding Section 9.103-1 and repealing Section 9.100-2.

Description:

The proposed Charter Amendment would provide for various administrative changes to election rules. The major changes would be as follows:

- A determination would be made as to whether a candidate is a resident of the City and County at the time that nomination papers are issued to the candidate or at the time of the person's appointment. As currently indicated in the Charter, immediately prior to the time of his or her taking office, a determination is made whether a candidate is a resident of San Francisco.

- Section 9.100-2 regarding runoff elections would be deleted that requires runoff elections to be held for the two candidates receiving the highest votes in a district, if a majority of all votes is not received by any one candidate. This Charter Section would be deleted since candidates are not selected through district elections.

- The Mayor, the Board of Supervisors and the Chief Administrative Officer (CAO) would be directed to undertake a comprehensive review of the Charter. A Charter Amendment would be placed on the ballot in November, 1994 containing the recommendations of the Charter review.

- Candidates must file both a declaration of candidacy, pay a filing fee and file 20 or 30 sponsors at the same time. Currently, candidates can file their sponsors separately after their candidacy is filed.

- The Registrar would be required to preserve candidate's records for 22 months instead of four years.

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- Special elections would be held not less than 90 days after the election is called, instead of 30 days.
- If an elected official is recalled and a special election is held, and the official remains in office, the incumbent would no longer be reimbursed for his or her campaign expenses out of the special election fund for his or her expenses.

**Effect on the
Cost of Government:**

The Controller's Office has not yet determined the effect on the cost of government from the proposed Charter Amendment. Because special elections are held as a result of a recall so infrequently, the Registrar of Voters estimates that there would be little or no annual cost savings associated with this proposed change in the Charter. Ms. Naomi Nishioka of the Registrar of Voters indicates that there would be some costs associated with placing a Charter Amendment on the November, 1994 general election ballot based upon the recommendations of the comprehensive Charter review, but the cost would depend upon the number of other measures on the ballot and cannot be determined at this time. The proposed Charter Amendment may result in minor administrative efficiencies for the Registrar of Voters.

Comment:

According to Ms. Nishioka, many of these administrative procedures already occur in practice, such as filing candidacy and sponsor documents at the same time. Therefore, the proposed Charter Amendment would have little or no impact to the Registrar of Voters.

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Item 9 - File 253-93-1

Proposed Ballot

Measure: Charter Amendment

Draft: First Draft

Sections Affected: Amendment to Sections 3.620 through 3.624 and Section 6.404

Description: The proposed Charter Amendment would amend Sections 3.620 through 3.624 and Section 6.404 establishing and governing the Fine Arts Museums of San Francisco, which includes the California Palace of the Legion of Honor and the M.H. de Young Memorial Museum. Specifically, the following changes would occur:

Composition of the Board of Trustees

The management and operations of the California Palace of the Legion of Honor and the M.H. de Young Memorial Museum is governed by a Board of Trustees. The proposed Charter Amendment would increase the maximum number of trustees from 32 to 62. The term of each trustee would be decreased from five years to three years. Other administrative changes in the proposed Charter Amendment include the qualification and selection procedures of trustees and quorums necessary for voting. The Board of Trustees would still appoint new trustees as currently provided by the Charter.

Powers and Duties of the Board of Trustees

The Board of Trustees would have the power to agree to indemnification and binding arbitration for purposes of insuring the exhibits. For instance, arbitrators may be used to determine the value of losses. Currently, the Board of Supervisors' approval must be received to agree to indemnification and to enter into arbitration for the purposes of valuating museum losses.

The proposed Charter Amendment would also allow the Board of Trustees to enter into agreements with non-profit or private corporations to operate the museums and to maintain and develop a fund for art acquisition. The proposed Charter Amendment would expressly state that the Board of Trustees has the power to enter into agreements, although other existing provisions of the Charter also provide the Board of Trustees with these powers. The Board of Supervisors would continue to have approval over the contracts funded with City funds during the annual appropriation process.

Director and Other Employees

The proposed Charter Amendment would enable the Director of the Fine Arts Museum to appoint and remove any assistants and employees, and enter into personal services agreements with the approval of the Board of Trustees. Existing provisions of the Charter provide the Director with these powers, although it is not expressly stated.

In addition, the proposed Charter Amendment would provide that employees would not be required to be employees of the City and County, and therefore not be subject to the provisions of the Civil Service Commission. If any employees are employees of the City and County, the Board of Trustees would be authorized to supplement their salaries in order to establish competitive salaries, as long as the compensation is not considered for City and County retirement purposes. Presently, certain Charter-named positions must be Civil Service employees, including the Director, the Deputy Director and the Executive Secretary to the Board of Trustees.

Accounts and Reports

The Fine Arts Museum would continue to be required to keep full records of all property, money, receipts and expenditures as well as the records of all Board of Trustees proceedings. However, the Fine Arts Museum would no longer be required to submit a report annually to the Controller, as is currently required.

**Effect on the Cost
of Government:**

The Controller's Office has not yet determined the effect on the cost of government from the proposed Charter Amendment. Under legislation presently before the Board of Supervisors, the Fine Arts Museum is proposing to switch its funding source from the General Fund to the Hotel Tax Fund in FY 1993-94. In addition, the Fine Arts Museum receives funding from private donations. There may be potential cost savings from enabling the Fine Arts Museums to use private or non-profit corporation employees, rather than Civil Service Commission employees. The Department has privatized many of its functions, such as accounting, curators, public information, education and conservator functions. Privatizing these functions has shifted costs from City funds to non-profit or private corporations funded through memberships and private donations. To the extent that the other functions and positions of the Fine Arts Museum are shifted to non-profit corporations would determine the extent of the cost savings. The proposed Charter Amendment does

not specify the number of positions that would no longer be required to be Civil Service positions. However, the Department indicates that the proposed Charter Amendment would apply only to those three Charter-named positions, including the Director, Deputy Director and Executive Secretary that are currently required to be Civil Service positions.

Comments:

1. The Fine Arts Museum's proposed \$3.5 million FY 1993-94 City General Fund budget, includes a proposal to switch security guards and custodial services positions from Civil Service employees to contractual service employees through the Proposition J process. The Department estimates that this transfer would result in a savings of approximately \$622,000 annually. The remaining employees of the Fine Arts Museum could be privatized under the existing provisions of Proposition J, except for certain Charter-named positions, including the Director, Deputy Director and Executive Secretary that are required to be Civil Service employees. The proposed Charter Amendment would authorize the Fine Arts Museums to privatize all positions, including the Charter-named positions.

2. According to Mr. Steve Dykes of the Fine Arts Museum, approximately \$9.5 million in private funds are currently used to offset operating and other costs, as compared with the Fine Arts Museum's proposed approximate \$3.5 million FY 1993-94 City General Fund budget. Mr. Dykes reports that the proposed Charter Amendment would provide the Department with the flexibility to transfer certain Charter-named positions into the private or non-profit sector.

3. As noted, the fiscal impact to the City from the proposed Charter Amendment is unclear, but would depend upon the extent that positions are shifted into the private sector, thereby receiving funding from donations rather than using City funds. However, if the proposed Charter Amendment is approved, the Director of the Fine Arts Museum, with the approval of the Board of Trustees, would have the authority to enter into personal services agreements that would privatize these Charter-named positions. The Board of Supervisors would still continue to have authority over the personal services agreement to the extent that City funds are used and approved as part of the annual appropriation process.



Item 10 - File 263-93-1

Proposed Ballot

Measure: Charter Amendment

Draft: First Draft

Section Affected: The proposed Charter Amendment would add a new section, Section 8.517-3, providing for early service retirement for Miscellaneous officers and employees.

Description: Section 8.509 of the San Francisco Charter outlines the retirement provisions for Miscellaneous officers and employees employed on and subsequent to February 1, 1969 but prior to November 2, 1976. Section 8.584 of the Charter contains the retirement provisions for Miscellaneous officers and employees employed after November 1, 1976. Charter Sections 8.509(b) and 8.584-2 provide the percentage of average final compensation for each year of credited service at the age of retirement, taken to the preceding completed quarter year, for the purposes of calculating the retirement allowance. The following table is an excerpt from these sections.

Age at Retirement	Percent for Each Year of Credited Service	
	<u>Section 8.509(b)</u>	<u>Section 8.584-2</u>
50	1.0000	1.0000
51	1.1000	1.0667
52	1.2000	1.1333
53	1.3000	1.2000
54	1.4000	1.2667
55	1.5000	1.3333
56	1.6000	1.4000
57	1.7000	1.4667
58	1.8000	1.5333
59	1.9000	1.6000
60	2.0000	1.6667

According to Section 8.509 (b), in no event shall an employee's retirement allowance exceed 75 percent of his or her average final compensation. Under Section 8.584-2, no employee shall receive a retirement allowance exceeding 70 percent of his or her average final compensation.

Section 8.517-1 of the San Francisco Charter outlines an incentive program for employees to retire early by increasing an employee's credited service by two (2) years for both

qualification and benefit computation purposes, provided that the employee retires with an effective date of service retirement subsequent to July 1, 1988, and prior to October 31, 1988. Similarly, Section 8.517-2 of the Charter provides employees with an incentive for early service retirement by increasing their age and credited service, for qualification and benefit computation purposes, by three (3) years, provided that the employee retires from service with an effective date of retirement on or after February 1, 1992, and prior to March 31, 1992.

The proposed Charter amendment would add a new section, similar to those described above, providing an early service retirement incentive for Miscellaneous employees who are members of the retirement systems under either Section 8.509 or 8.584. The proposed amendment would authorize the Retirement Board to increase the employee's age and credited service by 3 years for the purposes of qualification and benefit computation (3+3). This early retirement incentive could only be taken advantage of by employees who meet one of the two following requirements:

1. Must occupy a rank or position which will be abolished for at least two subsequent fiscal years; or
2. Must occupy a rank or position which would have been filled as a result of the elimination of a higher rank or position occupied by an officer or employee who has civil service rights to the member's position.

Compliance with one of these requirements would require certification from the Mayor and the appointing officer to the Board of Supervisors.

In addition, the proposed Charter amendment would provide that the early retirement benefits be limited by the maximum percentage limitations of 75 percent and 70 percent, respectively, in Charter Sections 8.509 (b) and 8.584, as listed above. Furthermore, the early retirement benefits offered under this proposed Charter Amendment would not apply if a member were to return to membership status in the retirement system.

Finally, the early retirement benefits under this proposed Charter amendment would be limited by Section 415 of the Internal Revenue Code of 1986, as amended, which sets forth the limits on retirement benefits in order to be recognized as a tax-qualified plan. No early retirement benefits under this proposed Charter amendment would be effective if they were to

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BUDGET ANALYST

have an adverse effect on the tax qualified status of the retirement system under Section 401 of the Internal Revenue Code of 1986, as amended.

**Effect on the Cost
of Government:**

According to Mr. Kieran Murphy of the Retirement System, the proposed early retirement incentive program would cost the City approximately \$55,000 per member accepting the early retirement offer in extra retirement benefits, based on statistics from the 1992 Early Retirement Program. However, the estimated cost of \$55,000 in extra retirement benefits would be offset by the salaries and benefits that would have been paid had the member waited for regular retirement, rather than accepted the early retirement incentive program. For example, should a member whose salary and benefits total \$55,000 annually retire one year sooner under the proposed early retirement incentive program than he or she otherwise would have retired, the long term effect on the cost of government would be zero, disregarding the present value implications. Should the same member intend to retire in less than one year, the early retirement program would result in costs rather than savings to the City. To the extent that the member intended to retire at a time in excess of one year, savings to the City would result. Therefore, given the number of variables that must be considered, such as salaries and benefits of members accepting the proposed early retirement incentive program, Mr. Murphy has advised the Budget Analyst he cannot estimate the effect on the cost of government of the proposed program.

Comments:

1. Mr. Murphy estimates that given the conditions of eligibility for the proposed early retirement program, it is very difficult to make an accurate assessment of the number of employees who would take advantage of the proposed early retirement program.

2. Mr. Murphy reports that past experience with early retirement incentive programs offered by the City indicates that they result in employees retiring only one-half to one year earlier than they had planned, thus creating limited benefits for the City. According to Mr. Murphy, the likely candidates for early retirement at present are the same employees who were offered incentives to retire early last year, in February and March, 1992, when the City had an early retirement incentive program for Miscellaneous employees (Charter Section 8.517-2). Mr. Murphy reports that these employees are probably no more likely to take advantage of the early retirement incentive program this year than they were last year.

Item 11 - File 267-93-1

Proposed Ballot

Measure: Charter Amendment

Draft: First Draft

Section Affected: Amendment to Section 3.674, Funding the Retirement System

Description: The existing City Charter Section 3.674 defines a) the method of computing the normal contribution rate to be paid by the City and County of San Francisco and the San Francisco Unified School District for their employees that are members of the Retirement System, b) that any liability that exceeds the basic liability based on the normal contribution shall be paid into the Retirement System (amortized) over a period of 20 years and c) that expenses incurred in the implementation of this Section shall be paid from the accumulated contributions.

The proposed Charter Amendment would increase the amortization period by five years from the current 20 years to 25 years for any liability that exceeds the normal contribution liability and requires that any such liability that exists on July 1, 1993 be paid off by June 30, 2005.

Further, the proposed Charter Amendment would require that gains and losses of the value of the Retirement System assets be analyzed separately each year and shall be paid off over a period of between five and 15 years. The computation of the gains and losses would be based on investment experience and personnel experience. Investment experience results from a history of comparing actual market values of the Retirement System assets to valuations projected by the Retirement Board. Personnel experience includes considerations of wage increases, deaths, retirements and disabilities.

**Effect on the Cost
of Government:**

Mr. Kieran Murphy of the Retirement System indicates that the proposed Charter Amendment would have little financial impact for the City now but may have significant financial impact in the future. The precise amount of such future impact cannot be quantified at this time. Mr. John Madden, Chief Deputy Controller, has not yet analyzed the proposed Charter Amendment for its financial implications. Retirement plan amendment approved by the voters after July 1, 1993 would be amortized over 25 years rather than 20 years, resulting in reduced annual retirement costs but total retirement costs would increase over the life of the longer amortization period.

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Comments:

Mr. Murphy reports that the Retirement Board currently analyzes gains and losses on the value of the Retirement System assets using both investment experience and personnel experience as well as other information. According to Mr. Murphy, the proposed Charter Amendment would restrict the Retirement Board to using only investment experience and personnel experience, thus reducing the Retirement Board's flexibility in valuing the assets.

Item 12 - File 268-93-1

Proposed Ballot

Measure: Charter Amendment

Draft: First Draft

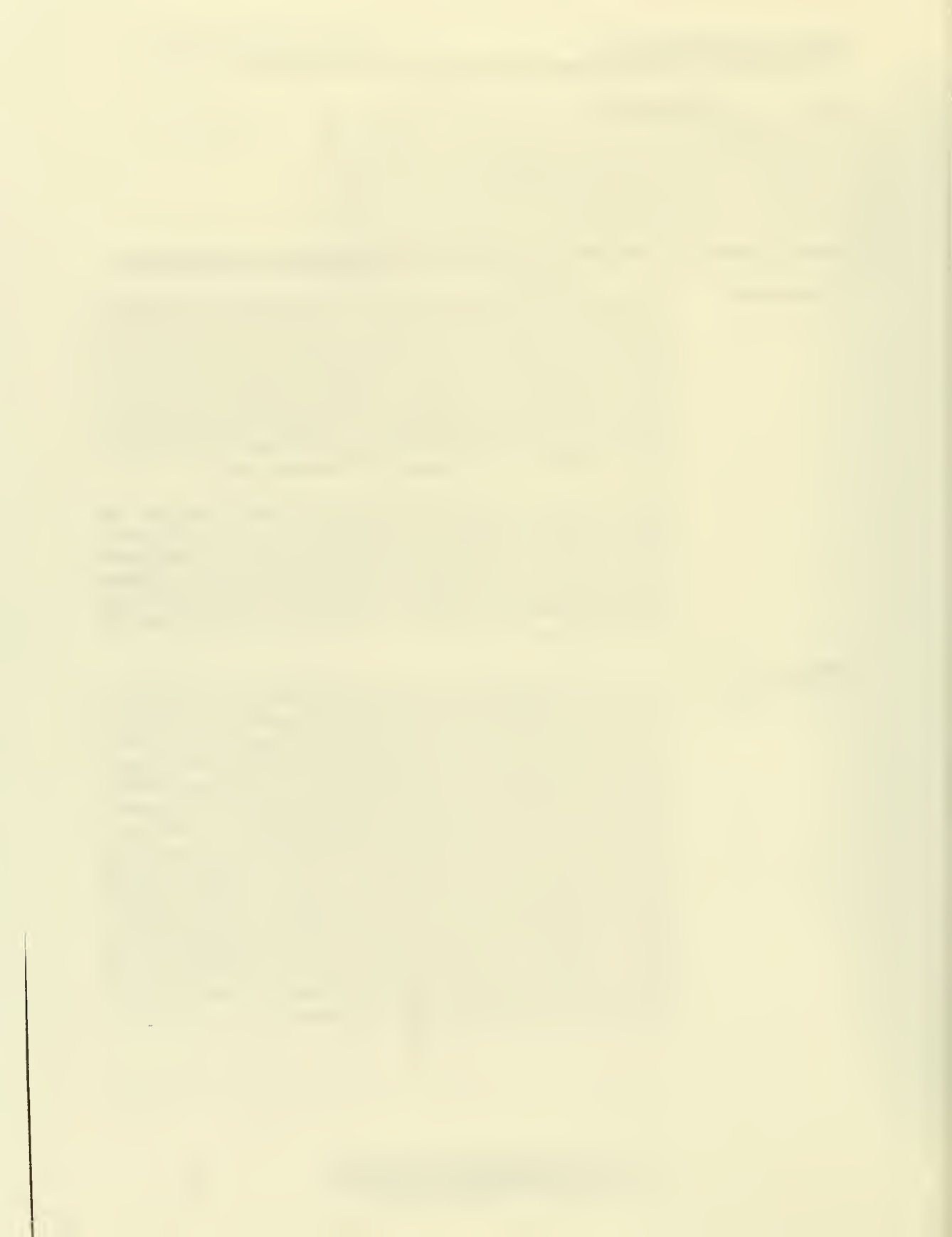
Section Affected: Amendment to Section 3.674, Funding the Retirement System

Description: The existing City Charter Section 3.674 defines a) the method of computing the normal contribution rate to be paid by the City and County of San Francisco and the San Francisco Unified School District for their employees that are members of the Retirement System, b) that any liability that exceeds the basic liability based on the normal contribution shall be paid into the Retirement System (amortized) over a period of 20 years and c) that expenses incurred in the implementation of this Section shall be paid from the accumulated contributions.

The proposed Charter Amendment would increase the amortization period by five years from the current 20 years to 25 years for any liability that exceeds the normal contribution liability. However, the proposed Charter Amendment requires that any such liability (that exceeds the normal contribution liability) that exists on July 1, 1993 shall be paid off by June 30, 2005 (or 12 years).

**Effect on the Cost
of Government:**

Mr. Kieran Murphy of the Retirement System indicates that the proposed Charter Amendment will probably not result in any reduced contribution requirement at this time. According to Mr. Murphy, the proposed Charter Amendment would reduce the amortization period for the basic unfunded liability resulting in annual increased costs for the City. However, such increases in annual costs would probably be offset by an increase in the amortization period for the remaining unfunded liability from Proposition A and the retiree benefits increase approved by the voters in November, 1992 resulting in overall reduced annual costs for the City. If the proposed Charter Amendment is approved, the City would ultimately realize savings on future Retirement Plan Amendments by having a longer amortization period. Mr. John Madden, Chief Deputy Controller, has not yet analyzed the proposed amendment for its financial implications.



Item 13 - File 269-93-1

Proposed Ballot

Measure: Charter Amendment

Draft: First Draft

Section Affected: The proposed Charter Amendment would add a new section, Section 8.517-4, providing for early service retirement for police officers and firefighters.

Description: Sections 8.559 and 8.585 of the San Francisco Charter respectively outline the retirement provisions for police officers and firefighters employed on and subsequent to July 1, 1975, but prior to November 2, 1976. In addition, police officers employed after July 1, 1945 (pursuant to Section 8.544), and prior to July 1, 1975, and firefighters employed after July 1, 1949 (pursuant to Section 8.568), and prior to July 1, 1975, have the option of becoming members of the retirement systems under Sections 8.559 and 8.585, respectively, each with an effective date of July 1, 1975.

Charter Sections 8.559-2 and 8.585-2 provide that police officers and firefighters who have attained the age of 50 years and have completed at least 25 years of service shall receive a retirement allowance of 55 percent of their final compensation plus an allowance at the rate of 4 percent of their final compensation for each year of service rendered in excess of 25 years, provided, however, that such retirement allowance does not exceed 75 percent of their final compensation. In addition, these two sections state that a police officer or firefighter retiring after attaining the age of 65 years, but before completing 25 years of service, shall receive a retirement allowance that bears the same ratio to 50 percent of his or her final compensation, as the ratio of the number of credited years of service bears to 25 years. For example, a police officer or firefighter, earning \$60,000 and retiring after attaining the age of 65, but with only 20 years of service, is entitled to receive an annual allowance of 20/25 or 80 percent of half of his final compensation, or 80 percent of \$30,000, which is \$24,000.

Charter Sections 8.586 and 8.588, respectively, contain the retirement provisions for police officers and firefighters employed after November 1, 1976. Sections 8.586-2 and 8.588-2 of the Charter provide that police officers and firefighters who have attained the age of 50 years and who have completed no less than 25 years of service shall receive a retirement allowance of 50 percent of their final compensation plus an allowance at the rate of 3 percent of their final compensation

for each year of service rendered in excess of 25 years, provided, however, that such retirement allowance shall not exceed 70 percent of their final compensation.

Section 8.517-1 of the Charter provides an incentive for an employee to retire early by increasing his or her credited service by two (2) years, provided that the employee retires with an effective date of service retirement subsequent to July 1, 1988, and prior to October 31, 1988. Similarly, Section 8.517-2 of the Charter provides employees with an incentive for early service retirement by increasing their age and credited service by three (3) years, provided that they retire from service with an effective date of retirement on or after February 1, 1992, and prior to March 31, 1992.

The proposed Charter amendment would add a new section providing an early service retirement incentive, similar to the programs described above, for police officers and firefighters who are members of the retirement systems under Section 8.559, 8.585, 8.586, or 8.588. The proposed amendment would authorize the Retirement Board to increase the employee's age and credited service for both qualification and benefit computation purposes by two (2) years, regardless of the effective date of retirement (2+2).

In addition, the proposed Charter amendment would provide that the early retirement benefits be limited by the maximum percentage limitations in Charter Sections 8.559-2, 8.585-2, 8.586-2, and 8.588-2, as described above. Furthermore, the early retirement benefits offered under this proposed Charter amendment would not apply if a member were to return to membership status in the retirement system.

Finally, the early retirement benefits under this proposed Charter amendment would be limited by Section 415 of the Internal Revenue Code of 1986, as amended, which sets forth the limits on the amount of retirement benefits that can be dispersed in order to be recognized as a tax-qualified plan. No early retirement benefits under this proposed Charter amendment would be effective if they were to have an adverse effect on the tax qualified status of the retirement system under Section 401 of the Internal Revenue Code of 1986, as amended.

**Effect on the Cost
of Government:**

According to Mr. Kieran Murphy of the Retirement System, the proposed early retirement incentive program would cost the City approximately \$9 million in extra retirement benefits as a one-time cost. In addition, the additional annual cost would start at approximately \$500,000 per year and would be increased annually with wage increases, for approximately 20 years. Because of the Consent Decrees for both Police and Fire, it is likely that all uniform personnel who retire would have to be replaced, and therefore savings would not result from early retirement, except for differences in pay between entry level and higher level positions.

Comments:

1. According to Mr. Murphy, past early retirement incentives offered by the City have resulted in cases where employees retire only one-half to one year earlier than they had planned, resulting in limited benefits for the City. Mr. Murphy states that the savings from an early retirement program usually come from a reduction in the workforce. Mr. Murphy further states that if there is no reduction in the workforce, as appears would be the case in the proposed program because of existing consent decree provisions, it is unclear as to the source of savings to the City under the proposed early retirement program.
2. Mr. Murphy estimates that approximately 200 employees would take advantage of the early retirement incentive program.



Item 14 - File 271-93-1

Proposed Ballot

Measure: Charter Amendment

Draft: First Draft

Section Affected: Amendment to Section 3.674, Funding the Retirement System

Description: The existing City Charter Section 3.674 defines a) the method of computing the normal contribution rate to be paid by the City and County of San Francisco and the San Francisco Unified School District for their employees that are members of the Retirement System, b) that any liability that exceeds the basic liability based on the normal contribution shall be paid into the Retirement System (amortized) over a period of 20 years and c) that expenses incurred in the implementation of this section shall be paid from the accumulated contributions.

The Market Value (MV) of the Retirement System assets is the current value of the assets on the open financial market. The Actuarial Value (AV) is another way of valuing the Retirement System assets that applies a formula to the MV. (The AV is not computed actuarially despite its name.) The AV is used to compute Retirement System contribution rates.

The proposed Charter Amendment would change funding requirements so that when the Retirement System Plan is amended (such as the Early Retirement Amendment for Proposition A) the Retirement Board may partially or fully offset the increased liability created by the Plan Amendment by increasing the AV, if the AV is less than 90 percent of the MV. By raising the AV, the contribution rate can be lowered resulting in a savings for the City.

**Effect on the Cost
of Government:**

According to Mr. Kieran Murphy of the Retirement System, there would be no savings for the City as a result of the proposed Charter Amendment at this time. However, Mr. Murphy points out that the City could realize savings in the future when new Retirement Plan Amendments are approved by the voters (some such amendments have been proposed for the November, 1993 election). Any such future potential savings cannot be computed until the then current MV is known. Mr. John Madden, Chief Deputy Controller, has not yet analyzed the proposed Charter Amendment for its financial implications.

Memo to Rules Committee
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Item 15 - File 280-93-1

**Proposed Ballot
Measure:**

Charter Amendment

Draft:

First Draft

Section Affected:

Addition of Section 8.401-2

Description:

The proposed Charter Amendment would add one new Section 8.401-2, which states that no compensation increase authorized, required or otherwise provided by Charter Sections 8.400 through 8.409 and Charter Sections 8.590 through 8.590-7 shall become effective unless and until approved annually by ordinance of the Board of Supervisors after 30 days advance public notice of the contents and total cost.

The proposed Charter Amendment also states that all meetings of arbitration boards and all meet and confer sessions shall be publicly noticed at least 24 hours in advance and shall be open to the public. Nothing herein shall preclude executive sessions authorized by the Brown Act or private mediation sessions.

Effect on the

Cost of Government: The Controller's Office reports that the proposed Charter Amendment would not have a fiscal impact on the City.

Comments:

1. Mr. Clifford Gates of the Employee Relations Division reports that requiring at least 30 days advance public notice of the contents and total cost of any compensation increases prior to the Board of Supervisors acting on proposed ordinances would provide increased opportunity for public input and comment. According to Mr. Gates, the Employee Relations Division (ERD) is supportive of this provision in the proposed Charter Amendment.

2. The Budget Analyst notes that the proposed Charter Amendment requires that the total cost of any compensation increases be provided 30 days in advance, however, it does not designate who would determine such costs. Historically, the Budget Analyst has not reported on proposed Memorandum of Understanding (MOU) and Mr. John Madden of

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BUDGET ANALYST

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the Controller's Office notes that his Office does not generally cost out various compensation proposals, unless specifically requested to do so.

3. Although ERD is supportive of the first provision of the proposed Charter Amendment, Mr. Gates reports that ERD is opposed to the second provision in the proposed Charter Amendment, which would require that all meetings of arbitration boards and all meet and confer sessions be publicly noticed and be open to the public. According to Mr. Gates, interest arbitration proceedings are currently governed by the Brown Act and are currently open to the public. Mr. Gates notes that the arbitration proceedings during the past year for Police Officers and Firefighters were publicly noticed and open to the public. However, Mr. Gates is concerned that meet and confer sessions should not be open to the public. According to Mr. Gates, this provision would limit the dialogue between the City representatives and the union representatives. Mr. Gates reports that meet and confer sessions are often conducted with complete candor and he is concerned that the presence of the public may restrict the type of discussions that would occur.

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Item 16 - File 241-93-1

**Proposed Ballot
Measure:**

Charter Amendment

Draft:

First Draft

Section Affected:

Amendment to Section 3.543

Description:

The proposed Charter Amendment would amend Section 3.543 relating to Deputy Chiefs of the Fire Department, to allow the Fire Chief to appoint two Deputy Chiefs (Classification 0150) from uniformed officers holding rank of Battalion Chief (Classification H40) or Assistant Chief (Classification H50).

Currently, under the City's Charter, the Chief of the Fire Department has the power to appoint from the first or second Assistant Chief of the Department, a Deputy Chief of the Department and to appoint from the rank of Battalion Chief, a Secretary to the Chief of the Department. The proposed Charter Amendment would (1) delete the reference to the "first or second" Assistant Chief because this title is no longer relevant, (2) increase the number of Deputy Chiefs from one to two, (3) enable the Chief to appoint the Deputy Chiefs from members of the Fire Department having the rank of Battalion Chief or Assistant Chief, which would increase the available pool of candidates, and (4) codify the ability of the Fire Chief to remove, at his or her pleasure, two Deputy Chiefs and the Secretary to the Chief of the Fire Department.

**Effect on Cost of
Government:**

Increasing the number of Deputy Chiefs from one to two would occur by upgrading the current Assistant Deputy Chief to Deputy Chief. The Deputy Chief position currently earns \$4,004 per pay period versus the Assistant Deputy Chief position, which currently earns \$4,003 per pay period, or a difference of \$1. The proposed Charter Amendment would thus result in an increase of \$26 per year of salary costs and an additional approximately \$14 of fringe benefit costs, for a total additional annual cost of \$40 to the City.

Comments:

1. According to Mr. Ray Connors of the Fire Department, this Charter Amendment is being proposed pursuant to the terms of the Fire Department's Management Plan, adopted by the Fire Commission on February 23, 1993. This Management Plan was prepared in accordance with

the Federal Consent Decree. One element of the Management Plan specifically states that a Charter Amendment will be introduced which would enable the Chief to appoint the Deputy Chiefs from the Assistant Chief or Battalion Chief pool of candidates.

2. Mr. Connors indicates that the first or second Assistant Chief classification was eliminated prior to 1964 and replaced with the H50 Assistant Chief classification. The proposed Charter Amendment would reflect this change.

3. Mr. Connors reports that there is currently one Deputy Chief of Operations position, with an annual salary of \$104,504 and one Assistant Deputy Chief of Administration position, with an annual salary of \$104,478, based on FY1992-93 pay rates. The proposed Charter Amendment would result in two Deputy Chief positions, one for Operations and one for Administration. Each of these positions would be paid an annual salary of \$104,504.

4. Mr. Matthew Davis of the City Attorney's Office reports that the proposed Charter Amendment would enable greater advancement opportunities for minority and women candidates because it would widen the applicant pool from 15 to 59 applicants for two senior management positions. According to Mr. Connors, of the 15 Assistant Chief positions authorized, only one position is held by a minority. However, of the 44 Battalion Chief positions authorized, there are eight minorities. Therefore, expanding the available pool of candidates for the Deputy Chief position to include Assistant Chiefs as well as Battalion Chiefs would provide greater potential advancement for such minority candidates. There are currently no women in the Assistant Chief or Battalion Chief ranks.

5. Although the present Charter does not specifically state that the Chief of the Fire Department has the authority to remove the Deputy Chief of the Fire Department or the Secretary to the Chief, according to Mr. Davis, the proposed Charter Amendment would codify this practice.

Item 17 - File 225-93-1

**Proposed Ballot
Measure:**

Charter Amendment

Draft:

First Draft

Section Affected:

Amendment to Section 6.415

Description:

The proposed Charter Amendment would amend Charter Section 6.415 to establish a Children's Fund Advisory Committee. The purpose of the Children's Fund Advisory Committee would be to provide broad community representation in a manner that facilitates effective planning of goals and objectives of the Children's Fund and expenditure of Children's Fund monies. Specifically, the proposed Children's Fund Advisory Committee would be responsible for reviewing the annual Children's Services Plan and submitting a report including recommendations, on the Plan to the Mayor and the Board of Supervisors. In addition, the Advisory Committee would provide oversight on the outreach to children and youth service providers to ensure that the Children's Fund is made widely available throughout San Francisco.

According to the proposed Charter Amendment, the Children's Fund Advisory Committee would consist of seven voting members that broadly represent the ethnic racial, gender, age and sexual orientation diversity of San Francisco, including persons who have demonstrated knowledge or expertise in services designed to benefit children and their families. Such children and family services would include child care, job readiness, training and placement programs, health and social services (including pre-natal services to pregnant adult women), educational programs, recreation, delinquency prevention and library services. All of the members of the Committee would be appointed by the Mayor for two year terms. The members first appointed would, by lot, classify their terms so that four members would serve a one-year term and three members would serve a two-year term. If a vacancy occurs, the successor would be appointed by the Mayor to complete the unexpired term for the initial member.

Under the current Charter provisions, the Mayor must present a Children's Services Plan to the Board of Supervisors not later than three months after approval of the Charter Amendment or no later than December of each subsequent year. The proposed Charter Amendment would require that the Mayor submit a Children's Services Plan to the Children's Fund Advisory Committee at least 60 days before the Mayor's submits the Plan to the Board of Supervisors. The Advisory Committee would then be required to review the Plan, conduct public hearings and submit a report of its recommendations to the Mayor and the Board of Supervisors. The Mayor would also have to provide responses to the Advisory Committee recommendations. In addition, under the proposed Charter Amendment, the Board of Supervisors could urge the Mayor to reallocate the expenditures of monies proposed by the Plan.

**Effect on the Cost
of Government:**

The Controller's Office reports that the proposed Charter Amendment should not result in additional costs for the City.

Comments:

1. The San Francisco Children's Fund, which was established by Proposition J in November, 1991 requires the City to allocate property tax revenues to this Fund for ten years. Expenditures from the Children's Fund can only be used to pay for additional programs or services for youth under 18 years of age. Fiscal year 1992-93 was the first year for the Children's Fund, at which time 1-1/4 cents for each \$100 of assessed property value, or \$5.4 million, was deposited into the Children's Fund.

2. Beginning in 1993-94 and for the next nine years, 2-1/2 cents for each \$100 of assessed property value will be deposited into the Children's Fund. The Controller's estimate of Children's Fund revenue from property taxes for FY 1993-94 is \$12.7 million.

3. According to the Office of the sponsor of the proposed Charter Amendment, this item should be continued to the Call of the Chair.

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Item 18 - File 245-93-1

Proposed Action: Charter Amendment

Draft: First Draft

Section Affected: Amendment to Section 3.670

Description: The proposed Charter Amendment would amend Charter Section 3.670 relating to the composition of the Retirement Board of the City's Employees' Retirement System by adding retired persons to the Retirement Board.

The existing City Charter states that the Retirement Board must consist of seven members to be selected as follows: 1) one member of the Board of Supervisors, to be appointed by the President of the Board of Supervisors, 2) three members to be appointed by the Mayor, and 3) three members elected from the active members of the Retirement System, who must not include retired persons of the Retirement System.

The proposed Charter Amendment would provide that the three elected members must be elected from among the active members and retired persons of the Retirement System, therefore enabling retired persons to serve on the Retirement Board.

**Effect on the Cost
of Government:**

The Controller's Office reports that changing the requirements as to whom may be elected to serve on the Retirement Board would not affect the cost of government.

Comments:

1. According to the Author of the proposed Charter Amendment's Office, the intent of the proposed legislation is to enable retired persons to be elected to the Retirement Board. However, the Author's Office reports that this proposed Charter Amendment will be amended to reflect that retirees would not only be able to serve on the Retirement Board but would be able to elect members as well. Mr. Dan Maguire of the City Attorney's Office advises that the amendments to be made to this proposed Charter Amendment will most likely be introduced to the Committee at its June 29, 1993 meeting.

2. Mr. Dan Maguire of the City Attorney's Office advises that the Retirement System has asked the City

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Attorney's Office to review Proposition 162 ("Prop 162"), adopted at the November, 1992 Statewide general election. Prop 162, "the California Pension Protection Act of 1992", was an amendment to the California Constitution. Mr. Maguire advises that Prop 162 might require that Retirement Board election procedures cannot be amended through ballot measure unless every jurisdiction in which City employees work were able to vote on the proposed Charter Amendment. The proposed Charter Amendment would seek a vote from San Francisco residents only, although there are City employees who work in other jurisdictions. For example, City employees work at the Airport in San Mateo County and at Hetch-Hetchy in Tuolumne and Alameda Counties.

3. Mr. Norm Nickens of the Retirement System advises that the Department is awaiting a determination from the City Attorney's Office on whether or not Proposition 162 will apply in this case.

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Item 19 - File 246-93-1

**Proposed Ballot
Measure:**

Charter Resolution

Description:

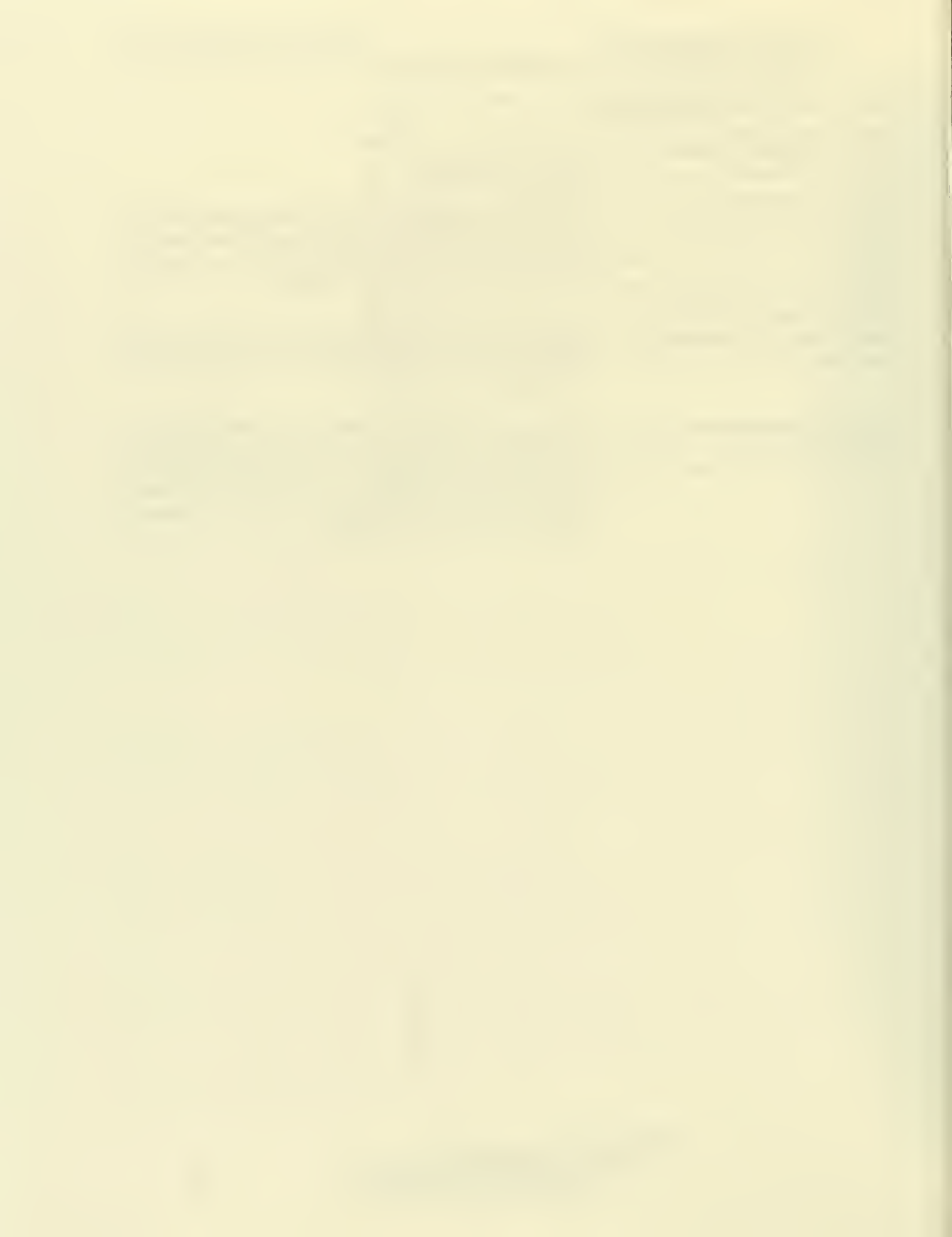
The proposed resolution would establish that the City should move to a mission driven budget process that creates programmatic and policy review and evaluation of the budget.

**Effect on the Cost
of Government:**

The Controller's Office reports that the proposed Charter Resolution should not impact on the cost of government.

Comments:

The Author's Office reports that the proposed Charter Resolution could be implemented through an ordinance procedure. The Author's Office therefore intends to draft an ordinance to address these issues and requests that the proposed Charter Resolution be tabled.



Item 20 - File 255-93-1

Proposed Ballot

Measure: Charter Amendment

Draft: First Draft

Sections Affected: The proposed Charter Amendment will add Sections 3.699-6 through 3.699-14 and amend Sections 8.105, 8.107 and 9.108 relating to the creation of an Ethics Commission and enforcement of ethics laws.

Description: Section 3.699-6 will establish an Ethics Commission consisting of five members. The Mayor, the Board of Supervisors, the City Attorney, the District Attorney and the Controller each would appoint one member of the Commission, for a term of four years. The initial appointments will be made not later than 60 days after the effective date of this Section. Members of the Commission will serve without compensation. No person will serve more than one term as a member of the Ethics Commission. Members of the Commission will be officers of the City and County. During his or her tenure, neither a member of the Commission nor its Executive Director may (1) hold any other public office or any employment with the City or any City officer, (2) participate in or contribute to a campaign involving a candidate for City office or a City ballot measure or a City official seeking any elective office and (3) employ or be employed by, or receive any gift or other compensation from a person required to register as a lobbyist under the City's lobbyist ordinance.

Section 3.669-7 provides, in part, that the Commission will appoint and fix the salary of an Executive Director who will serve at the pleasure of the Commission and not be subject to the Civil Service provisions of the Charter. Subject to the Civil Service provisions of the Charter, the Executive Director will have the power to appoint and remove auditors, investigators and other employees as required to discharge his or her duties.

Section 3.699-9 provides, in part, that the Commission may adopt, amend and rescind rules and regulations consistent with and related to carrying out the purposes of and provisions of ordinances related to open meetings and public records.

Section 3.669-8 provides that the Commission may subpoena witnesses, compel their attendance and testimony,

administer oaths and affirmations, take evidence and require by subpoena the production of books, papers, records or other items needed by the Commission to perform its duties and exercise its powers.

Section 3.699-10 provides that the Commission will have the responsibility for the administration and implementation of the provisions of this Charter, statutes and ordinances concerning campaign financing, lobbying, conflicts of interest and governmental ethics.

Section 3.669-11 outlines the duties and responsibilities of the Ethic Commission as follows:

1. To administer the provisions of the San Francisco Municipal Elections Campaign Contribution Control Ordinance and Proposition F. Proposition F is the local campaign finance ordinance.

2. To receive documents required to be filed pursuant to the provisions of the City's lobbyist registration ordinance and to otherwise administer the provisions of this ordinance.

3. To act as the filing officer and to otherwise receive documents in any instance where the Clerk of the Board of Supervisors, the Registrar of Voters, members of boards and commissions and department heads would otherwise be authorized to do so.

4. To (1) audit campaign statements and other relevant campaign documents and investigate alleged violations of State law, the City Charter and City ordinances relating to campaign financing, governmental ethics and conflicts of interest and (2) report any findings to the District Attorney, City Attorney and other appropriate enforcement authorities.

5. To provide assistance to agencies, public officials and candidates in administering the provisions of this Charter and other laws relating to campaign finance, conflicts of interest and governmental ethics.

6. To make recommendations to the Mayor and the Board of Supervisors concerning (1) campaign finance reform, (2) adoption of and revisions to City ordinances related to conflicts of interest, lobbying laws, and governmental ethics and (3) the submission to the voters of Charter amendments relating to campaign finance, conflicts of interest as well as the adoption of governmental ethics and revisions to City ordinances related to conflict of interest and lobbying laws

and governmental ethics. The Commission will report to the Board of Supervisors every two years concerning the effectiveness of such laws.

7. To maintain a whistleblower hot line and administer the provisions of the City's improper government activities ordinance.

8. To annually adjust any limitation and disclosure thresholds imposed by City law to reflect any increases or decreases in the Consumer Price Index.

9. To assist City departments in developing their conflict of interest codes as required by State law.

10. To advocate understanding of the Charter and City ordinances related to campaign financing, conflicts of interest, lobbying, governmental ethics and open meetings and public records and the roles of elected officials public officials, City institutions and the City electoral process.

11. To have full charge and control of its office and its proper administration, subject to budgetary and fiscal provision of the Charter.

12. To prescribe forms for reports, statements, notices and other documents required by this Charter or by ordinances relating to campaign financing, conflicts of interest, lobbying, and governmental ethics.

13. To prepare and publish manuals and instructions which (1) set forth methods of bookkeeping and preservation of records in order to facilitate compliance with and enforcement of laws relating to campaign financing, conflicts of interest, lobbying and governmental ethics, and (2) explain applicable duties of persons and committees.

14. To develop an educational program, including but not limited to (1) seminars aimed at familiarizing newly elected and appointed officers, employees, candidates for elective office, and their treasurers, and lobbyists with City, State and Federal ethics laws and the importance of ethics, (2) annual seminars for top-level officials to reinforce the importance of compliance with, and to inform them of changes in, the law relating to conflicts of interest, lobbying, governmental ethics and open meetings and public records, (3) a manual which would include summaries of ethics laws and reporting requirements applicable to City officers and employees, instructions for completing required forms,

questions and answers regarding common problems and situations, and information regarding sources of assistance in resolving questions, and (4) a manual which would include summaries of City ordinances related to open meetings and public records, questions and answers regarding common problems and situations, and information regarding sources of assistance in resolving questions.

Section 3.699-11 will also provide, in part, the following:

1. Any person may request the Commission to issue a written opinion with respect to the person's duties under the provisions of this Charter or any ordinance relating to campaign finance, conflicts of interest, lobbying or governmental ethics,

2. The Commission may also authorize its staff to issue informal oral advice to any person regarding the person's duties under provisions of this Charter or any ordinance relating to campaign finance, conflicts of interest, lobbying or governmental ethics (such oral advice would not be a defense in any enforcement proceedings),

3. Subject to Civil Service provisions, the Commission may employ individuals who have graduated from an accredited law school to assist the Commission in preparing opinions and providing advice under this Section.

Section 3.699-12 will provide, in part, the following:

1. The Commission is required to investigate alleged violations of this Charter and City ordinances relating to campaign financing, lobbying, conflicts of interest and governmental ethics.

2. Upon receipt of a sworn complaint that there is reason to believe that a violation has taken place, the Commission must forward the complaint to the City Attorney and the District Attorney,

3. If the City Attorney and the District Attorney inform the Commission that they do not intend to institute action against the subject of the complaint, the Commission will still proceed with an investigation if, based on the complaint or the Commission's own determination, there is sufficient cause to conduct an investigation.

4. Any investigation conducted by the Commission must be done in a confidential manner.

5. No finding of probable cause will be made unless the person alleged to have committed the violation is (1) notified at least 21 days prior to the Commission's consideration of the violation, (2) provided with a summary of the evidence and (3) informed of his or her right to be present and represented by counsel at any proceeding held by the Commission for the purpose of considering whether probable cause exists

6. When the Commission determines that there is probable cause, it may hold a public hearing to determine if such a violation has occurred,

7. When the Commission has determined that a violation has occurred it may require the violator to (1) cease and desist, or (2) file any reports, statements or documents required by law and/or pay a monetary penalty to the City of up to \$5,000 for each violation or three times the amount the person failed to report properly or unlawfully contributed, expended, gave or received, whichever is greater.

8. When the Commission determines that no violation has occurred, it will publish a declaration so stating.

Section 3.699-13 provides that all penalties imposed for violation of ordinances and the provisions of this Charter will be used exclusively to fund the operations of the Ethics Commission. Additionally, the Ethics Commission may impose fees related to the administration and enforcement of ordinances and the provisions of this Charter related to campaign financing, lobbying and governmental ethics.

Section 3.699-14 provides that the City Attorney will be the legal advisor of the Commission. In the event that the City Attorney determines in writing that it cannot provide advice sought by the Commission, the City Attorney may authorize the Commission to retain outside counsel to advise the Commission.

Section 3.699-15 provides that upon the effective date of this Section, the Civil Service Commission will immediately conduct a study to classify a position and determine the proper salary for the Ethics Commission employee who will be primarily responsible for administering and enforcing the City's Improper Government Activities Ordinance. Following the completion of this study the Mayor and Board of Supervisors will transfer one position from the Mayor's Office to the Ethics Commission. This position will be responsible

for administering the Improper Government Activities Ordinance.

Section 8.105 outlines certain conflict of interest rules and regulations and other prohibited practices. Section 8.105 will be amended to provide (1) that rules and regulations previously adopted or approved by the Civil Service Commission pursuant to this Section will remain in effect until amended by the Ethics Commission and (2) the Civil Service Commission, the Fire Commission and the Police Commission are each empowered to prescribe and enforce such reasonable rules and regulations as each Commission deems necessary to provide for the efficiency of the City and County.

Section 8.107 provides guidelines for the suspension and removal of any elective officer and any member of the Civil Service Commission, Health Commission, Public Utilities Commission or School Board by the Mayor and the Board of Supervisors for official misconduct. Section 8.107 will be amended to include the Ethics Commission under the provisions of this Section.

Section 9.108 provides guidelines regarding voter initiative, referendum and recall. This Section would be amended to provide that any ordinance which the Supervisors are empowered to pass relating to conflicts of interest, campaign financing, lobbying or governmental ethics may be submitted to the voters at the next succeeding general election by the Ethics Commission by a four-fifths vote of all of its members.

**Effect on the Cost
of Government:**

The Controller's Office reports that the proposed Charter Amendment has potential for substantial fiscal impact on City government due to the potential costs associated with the support staff for the proposed Ethics Commission. As noted above, the members of the Commission will serve without compensation. The sponsor of the proposed Charter Amendment reports that the actual number of support staff and associated annual operating costs for the Ethics Commission is undetermined at this time. The sponsor advises that it is anticipated that the proposed Commission would be established by March of 1994, and that the Commission would not incur any operational expenditures in FY 1992-93. Based on the proposed second draft of this Charter Amendment (see Comment 1 below), funds in the amount of \$350,000 would be appropriated to the Ethics Commission for its operating expenses in FY 1994-95 and for

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each fiscal year after 1994-95, an amount of \$400,000 would be appropriated for this purpose.

Comments:

1. The sponsor of the proposed Charter amendment advises that a second draft of this Charter amendment will be introduced at the Special Rules Committee meeting on June 29, 1993. In addition to certain technical revisions, Section 3.699-13 has been revised to provide that the Board of Supervisors, Mayor's Office and Registrar of Voters budgets for 1994-95 will not exceed an amount equal to their prior year's budgets reduced by the following amounts: Board of Supervisors (\$150,000), Mayor's Office (\$150,000) and Registrar of Voters (\$50,000). These funds will be appropriated to the Ethics Commission's budget to fund its operations in FY 1994-95. For each fiscal year after 1994-95, the Board of Supervisors, and Mayor's Office will appropriate to the Commission \$400,000, adjusted by the Controller for cost-of-living changes.

2. The title of the proposed Charter Amendment incorrectly states that Sections 3.699-6 through 3.699-14 will be added. The actual Sections to be added are Sections 3.699-6 through 3.699-15. Therefore, the title should be amended to reflect Sections 3.699-6 to 3.699-15.

3. Ms. Teresa Serata of the Mayor's Office reports that the Mayor's Office is opposed to the proposal that its budget be reduced in FY 1994-95 and potentially thereafter to support the Ethics Commission, given that no study or analysis has been done to justify such a reduction. Ms. Serata adds that the position that is being proposed, under Section 3.699-15, to be eliminated from the Mayor's budget and added to the Ethics Commission budget to administer the Improper Government Activities Ordinance (whistleblower program) is currently only spending approximately 50 percent time on whistleblower activities. The remaining 50 percent time for this position is spent on community services activities. As such, according to Ms. Serata the Mayor's Office can actually only afford to give up approximately .50 FTE of a position.

4. The Registrar of Voters advises that due to a prior commitment, the Department will be unable to have a representative in attendance at the Special Rules Committee meeting on June 29, 1993. The Department may submit a written response to the proposed Charter Amendment to the Board of Supervisors prior to the Committee meeting.

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5. Mr. John Taylor, Clerk of the Board of Supervisors advises that he will be present at the Special Rules Committee meeting on June 29, 1993 and will be available for comments on the Department's position with respect to the proposed second draft of the proposed Charter Amendment.

Item 21- File 252-93-1

**Proposed Ballot
Measure**

Charter Amendment

Draft:

First Draft

Section Affected:

The proposed Charter Amendment would amend Sections 3.538 and 3.698-3.

Description:

The proposed Charter Amendment would transfer the function of administering the parking violation enforcement and collection program from the Department of Parking and Traffic (DPT) to the Police Department (SFPD). The specific functions that would be transferred include the control and management of Parking Control Officers, parking violations towing and scofflaw programs and the maintenance of information on the issuance and disposition of parking citations.

Parking violation enforcement functions were transferred from the SFPD to DPT by Proposition D, which was approved by the voters on November 8, 1988. Approval of this proposition amended the Charter to establish the DPT. The proposed Charter Amendment would return parking violation enforcement to the SFPD, while retaining a range of activities under the authority of the DPT.

Under the proposed Charter Amendment, the Department of Parking and Traffic would continue to administer traffic signal maintenance, sign shops, authorization and administration of colored curb marking, establishment and administration (but not enforcement) of residential parking permit zones, meter planning, collection and maintenance, off-street parking except at airports and the administration of the Interdepartmental Committee on Traffic and Transportation. DPT would also continue to respond to complaints regarding street design or traffic devices, and to engage in various types of traffic research and planning.

While DPT currently maintains information on the issuance and disposition of parking citations (a function that would be transferred to the SFPD under the proposed Charter Amendment), the Municipal Court now processes parking violation collections. However, the passage of Assembly Bill 408 de-criminalized parking citations in California and requires each court that processes parking violations to transfer the processing function to the issuing agency, or in San Francisco, to the DPT. The law goes into effect on July 1,

1993 and the transfer must be completed by January 1, 1993. Although Deputy City Attorney Lawrence Wayte advises that according to AB408 the issuing agency could delegate ticket processing (but not adjudication) to another County agency that issues parking tickets or to a private vendor, Mr. Wayte states that as written, the proposed Charter Amendment would initially transfer the issuing and processing responsibility to the SFPD.

The proposed Charter Amendment would give the Board Of Supervisors the power to transfer the administration of the parking violation enforcement and processing program from the Chief of Police to the head of any other department. Mr. Wayte advises that this provision would permit such a transfer without the need to further amend the Charter.

**Effect on the Cost
of Government:**

The Controller's Office reports that the proposed Charter Amendment should not impact on the cost of government.

Comments:

1. Assembly Bill 408 requires that parking violation processing functions be fully transferred out of the Municipal Court by January 1, 1994. DPT is currently engaged in a planning process for taking over these processing functions. Because there would be only two months between possible voter passage of the proposed Charter Amendment in early November, 1993 and the required implementation of Assembly Bill 408 in January, 1994, DPT might have to commence administration of parking ticket processing and then subsequently transfer these functions to the SFPD when the SFPD was prepared to operate the system.

2. Issuance of parking citations in the three years that the DPT has administered parking violation enforcement has not reached the level of Fiscal Year 1988-89 citation issuance by the SFPD, as shown in the following chart.

Annual Parking Citation Issuance

<u>Fiscal Year</u>	<u>Issuing Agency</u>	<u>Parking Citations</u>
1988-89	SFPD	2,982,456
1989-90	SFPD	2,513,453
1990-91	DPT	2,400,421
1991-92	DPT	2,660,898
1992-93 proj.	DPT	2,260,530

based on 11 mos.

Source:DPT

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However DPT Senior Management Analyst Ms. Jocelyn Kane notes that citation issuance actually declined in the last year that issuance was administered by the SFPD. According to Ms. Kane, the decline was largely due to the fact that most Police Officers (as opposed to Parking Control Officers) stopped issuing parking tickets once the ordinance establishing the DPT was passed. Ms. Kane advises that two major factors have contributed to the sharp decline in ticket issuance in the current fiscal year. First, widespread vandalism of parking meters made it difficult for PCOs to issue expired meter tickets for vehicles parked at broken meters. Second, the DPT responded to increasing demands on the SFPD dispatch system by setting up a separate DPT dispatch to handle parking complaints in the middle of the FY1992-93 year. DPT allocated 50 PCOs to respond to citizen-initiated parking complaints. While these Officers continue to issue tickets when not on call, a large portion of their time is spent handling individual matters, such as cars parked across driveways.

3. The Police Commission, at its May 26, 1993 meeting, passed a resolution urging the Board of Supervisors to disapprove the placement of the proposed Charter Amendment on the ballot. The resolution cites the "serious crime" prevention and detection mission of the SFPD, the recent decriminalization of parking citations, and the "excellent cooperation" between the DPT and the SFPD. The Parking and Traffic Commission passed a similar resolution at its June 1, 1993 meeting.

4. In a May 28, 1993 memo to the Parking and Traffic Commission, DPT Executive Director Mr. John E. Newlin states that the proposed Charter Amendment would place new demands on Police dispatch and 911. Mr. Newlin reports that last year the DPT received over 300,000 citizen calls, or approximately 822 calls per day, to its citizen complaint phone number. Officer Karen Petromilli of the SFPD Communications Division reports that the Police dispatch system currently handles approximately 3,000 calls per day from the regular Police dispatch line and the 911 line, so an additional 822 calls per day would represent approximately a 27 percent increase in calls. Acting Captain Dennis Schard of the SFPD Communications Division states that, if parking-related calls were returned to the SFPD dispatch system, the system would require at least an additional four positions during most hours. The alternative to adding new positions would be a reduced response to calls regarding other Police business, as callers hang up rather than wait for a response.

5. The number of Parking Control Officers (PCOs) has increased by 43 since these positions were transferred to the DPT, to a total of 272 PCOs. DPT employs an Enforcement Director, 2 Parking Enforcement Supervisors, 6 Assistant Supervisors for Traffic Enforcement and 24 Senior PCOs to manage the PCOs, although the proposed FY1993-94 DPT budget eliminates 5 of the 6 Assistant Supervisor positions.

Captain John Gleeson of the SFPD advises that, when the PCOs were formerly under the SFPD, they were supervised by Sergeants. The SFPD used a squad concept, with 7 officers for every Sergeant. Sergeants worked the same days and hours as the PCOs they supervised. During the transition period from SFPD to DPT, SFPD introduced the 24 Senior PCO positions to take on some of the burden of supervision. Captain Gleeson states that he believes squads are the most effective way to supervise Parking Control Officers to maximize revenues, but he adds that it would be hard for the SFPD to allocate Police Officers to supervise Parking Enforcement at this time. Ms. Kathryn Hile of the DPT states that, to the extent that the SFPD utilized uniformed personnel to oversee the supervision of PCOs, costs would be increased due to the higher gross salaries and benefits paid to the Police Officers in contrast to the salaries of the civilian employees of DPT.

6. Mr. Newlin states that shifting parking enforcement activities back to the SFPD could decrease productivity and revenues. Mr. Newlin advises that parking enforcement activities would take a low priority at the SFPD, whereas they are now a central focus of the DPT. Mr. Newlin states that, in the past, the SFPD has occasionally used PCOs to fill staffing voids in clerical and other areas, and he is concerned that this could happen again.

Memo to Rules Committee
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Item 22 - File 264-93-1

Proposed Ballot

Measure: Charter Amendment

Draft: First Draft

Section Affected: Amendment to Sections 8.559-4, 8.559-5, 8.585-4, 8.586-4, 8.586-5, 5.588-4 and 8.588-5.

Description: The proposed Charter Amendment would amend various sections of the City's Charter relating to pension benefits for surviving spouses of Police Officers and Firefighters.

Under the current Charter provisions, following the death of a Police Officer or Firefighter, the surviving spouse is entitled to various levels of pension benefits depending on various qualifications. However, if the surviving spouse remarries, those pension benefits are eliminated. The proposed Charter Amendment would delete the provision that eliminates pension benefits if the surviving spouse remarries.

In addition, the proposed Charter Amendment would be amended to be gender neutral.

**Effect on the Cost
of Government:**

Mr. Kieran Murphy of the City's Retirement System reports that he estimates the proposed Charter Amendment for Police Officers and Firefighters would result in additional annual costs to the City of approximately \$50,000. This estimate is based on the assumption that there would be approximately one case per year that would be affected by the proposed change in the Charter, and that these additional costs would be paid out over the remaining lifetime.

Comments:

1. Mr. Dan Maguire of the City Attorney's Office notes that the proposed Charter Amendment would only apply to Police Officers and Firefighters. However, Mr. Maguire notes that Miscellaneous employees are also subject to a similar Charter provision, such that if the proposed Charter Amendment were approved, the City would have inconsistent policies affecting the surviving spouses remarrying and retaining pension benefits for Police Officers and Firefighters versus Miscellaneous employees.

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2. Mr. Murphy reports that this inconsistent policy issue will be discussed by the Retirement Board prior to the Board of Supervisor's Rules Committee meeting on this matter. In addition, Mr. Murphy notes that the Retirement Board will discuss whether surviving spouses who remarried in the past would be available for reinstatement of their pension benefits, if the proposed Charter Amendment were approved. According to Mr. Murphy, either of these issues could affect the cost of the proposed Charter Amendment, although the precise amount has not been quantified. Mr. Murphy reports that he will be available to comment at the Special Rules Committee meeting on the discussions and actions of the Retirement Board.

Item 23 - File 289-93-1

Proposed Action: Charter Amendment

Draft: First Draft

Section Affected: The proposed Charter Amendment would amend Section 8.500 by adding a new subsection relating to the modification of retirement benefits by ordinance rather than by Charter Amendment.

Description: Existing provisions of Section 8.500 provide for the Board of Supervisors to enact, by a three-fourths vote of its members, the following ordinances: 1) any and all ordinances necessary to carry into effect the provisions pertaining to retirement benefits in the Charter, 2) ordinances to conform the provisions of the retirement system to any changes in the U.S. tax laws to the extent necessary to maintain the qualified tax status of the Retirement System, and 3) ordinances to establish reciprocal agreements with the Public Employees' Retirement System (PERS) and other public agencies maintaining independent retirement systems for the purpose of extending reciprocal benefits to members of such systems as provided by State law.

The proposed Charter Amendment would add a new section, Section 8.500-2, which would provide for the Board of Supervisors to modify retirement benefits by ordinance. Currently, pension benefit modifications can be made only through ballot measures. Section 8.500-2 states that the Board of Supervisors would have the power to enact ordinances to modify the benefits or provisions of the Retirement System, provided that the Board of Supervisors first obtained, from the Director of the Mayor's Employees Relations Division (ERD), verification that an employee group has legally negotiated such modifications. The proposed new Section states that the authority granted to the Board of Supervisors would be limited by Section 415 of the Internal Revenue Code (which places a dollar limitation on benefits), and no ordinance would be effective if it had an adverse impact on the tax qualified status of the Retirement System under Section 401 of the Internal Revenue Code. Section 401 of the Internal Revenue Code provides that if a trust is created by an employer in the U.S. for the purpose of providing either a pension plan, a profit-sharing plan, or a stock-bonus plan, the employer and its employees will receive tax benefits.

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**Effect on the Cost
of Government:**

The Controller's Office reports that in and of itself the proposed Charter Amendment would not affect the cost of government. However, future actions by the Board of Supervisors could result in an increase and/or decrease in the cost of government.

According to Mr. Dan Maguire of the City Attorney's Office, it is the primary intent of this proposed Charter Amendment to allow the Board of Supervisors to increase pension benefits by ordinance, therefore eliminating the need for a public vote on such increases every time. According to Federal and State laws, existing employee pension benefits cannot be decreased, however lower levels of benefits can be established for new employees. Ms. Clare Murphy of the Retirement System reports that while this proposed Charter Amendment is simply empowering authority to the Board of Supervisors to modify benefits through ordinance, the effect of those modifications could significantly impact the cost of government.

Comments:

1. The Author's Office advises that this proposed First Draft will be revised and introduced to the Board of Supervisors at a future date to reflect that 1) this proposed Charter Amendment would pertain only to Police and Fire employees, 2) would eliminate the provision pertaining to the ERD, and 3) eight of the 11 Board members must be in favor of the ordinance for it to be adopted.

2. Mr. Maguire advises that under Proposition D, Police and Fire employees contend that they are able to negotiate benefits, including pension benefits, through their unions. There is currently a lawsuit pending on whether or not this is correct.

3. Ms. Murphy reports that negotiating or modifying pension benefits could be cause for concern. The State Constitution, through what is known as the "vested rights principle," implies that once pension benefits are granted to a population of employees, the benefits are to remain in effect for the duration of the employees' lifetime. Therefore, significant modifications to increase pension benefits would be irreversible decisions that could seriously impact the cost of government.

4. Ms. Murphy advises that if the proposed Charter Amendment is approved, significant difficulties could occur in 1) managing pension benefits and 2) recognizing costs associated with future modifications. Because under the proposed Charter Amendment employee groups would negotiate desired pension benefit modifications with ERD, separate benefit structures for the over 50 existing bargaining units could be created which, according to Ms. Murphy, would make managing pension benefits difficult. Currently, there are only two broad benefit structures for employees, 1) Safety (Police and Fire) and 2) Miscellaneous. Additionally, according to Ms. Murphy, it would be difficult to determine the true cost effect of the pension modifications because it is likely that modifications would be made to small groups of employees at different points in time.

5. If the proposed Charter Amendment is restricted to Police and Fire only, Ms. Murphy reports that although managing benefits and determining costs would be easier than in the above mentioned scenario, it would still be difficult to effectively control the payment and procedures of the City's pension benefits.

Item 24 - File 248-93-1

**Proposed Ballot
Measure**

Charter Amendment

Draft:

First Draft

Section Affected:

The proposed Charter Amendment would amend Sections 3.100-2, 3.661, 3.681, 3.682, 8.420, 8.429, 8.515 and 8.518, and add Sections 3.662 and 3.663.

Description:

The proposed Charter Amendment would establish a Human Resources Department, and transfer many of the functions of the Civil Service Commission, the Employee Relations Division of the Mayor's Office, the Health and Safety Programs of the Department of Public Health (DPH), the Health Services Board and the Retirement Board to the new department.

Organization of the Proposed New Department

Under the proposed Charter Amendment, the Civil Service Commission would nominate candidates for the position of Human Resources Director. The Director would be selected by the Mayor and would serve at the pleasure of the Mayor. The proposal provides that the current General Manager for Personnel of the Civil Service Commission would be appointed to serve as the Human Resources Director from the effective date of the Charter Amendment until January 8, 1996.

The Human Resources Director would be authorized to make up to 5 management appointments and appoint one confidential secretary. The Human Resources Director would also have the authority to contract out any function of the Human Resources Department. Mr. John Holtzman of the City Attorney's Office advises that such activities as labor negotiations and employee assistance programs have traditionally been contracted out by the agencies that administer these functions.

The proposed Charter Amendment would transfer employees from the Civil Service Commission whose job functions are transferred to the new department, without loss of Civil Service rights. Staff would also be transferred along with transferred functions from the Employee Relations Division of the Mayor's Office, the Worker's Compensation Program of the Retirement Board, and the Health Services System.

Personnel System

The Civil Service Commission would retain the authority to adopt rules governing the Civil Service system. Changes to the rules could be proposed by the Human Resources Director, for approval or rejection by the Civil Service Commission.

The Human Resources Director would assume the responsibility for classifying positions, administering salaries, and recruiting, certifying, appointing, training and evaluating employees. The Human Resources Director would conduct salary surveys for approval by the Civil Service Commission.

The Civil Service Commission currently has the authority to investigate the conduct of City employees and to review and resolve allegations of discrimination. Under the proposed Charter Amendment, the Human Resources Director would provide all City Departments with a procedure for resolution of employee disputes, and review and resolve any allegations of discrimination or employee complaints regarding the conduct of City and County employees. Employees could appeal decisions of the Human Resources Director regarding allegations of discrimination, fraud or conflict of interest to the Civil Service Commission. The proposal states that no action of the Human Resources Director would be stayed during such an appeal, except by a unanimous vote of the Civil Service Commission.

Labor Negotiations

Under the proposed Charter Amendment, the Human Resources Director would take over the responsibility for labor negotiations from the Mayor's Office of Labor Relations. The Human Resources Director would submit proposed memoranda of understanding (MOUs) to the Mayor, who on approval would submit such MOUs to the Board of Supervisors for approval.

The proposed Charter Amendment states that all programs and staff relating to labor relations be transferred to the Human Resources Department by July 1, 1994.

Health and Safety

The Human Resources Department would take on the responsibility for policy, management and administration of all State, local and federal health and safety requirements relating to employees. This function is currently performed by the Department of Public Health.

The proposed Charter Amendment states that all programs and staff related to employee health and safety be transferred to the Department of Human Resources by July 1, 1995.

Health Service System

The City's Health Service System currently functions as an independent agency under the Health Service Board. The proposed Charter Amendment would place the Health Service System under the authority of the Human Resources Department. The Human Resources Department would administer the Health Service System subject to the approval of the Health Service Board on policy matters only. The Health Service Board would retain the right to appoint a full-time medical director or executive officer for the Health Service System.

The Human Resources Director, rather than the Health Service Board, would have the power to exempt employees whose income is considered sufficient for self-coverage, or who have otherwise provided for adequate medical care. The Health Service Board would retain the responsibility for determining the amount to be paid monthly by members of the system. The Board would not, however, serve as an appeal board. Mr. Holtzman advises that decisions of the Health Service System Medical Director or Executive Officer regarding specific employees would be subject only to the approval of the Human Resources Director.

Investment of the Health Service System Fund would be administered by the Human Resources Department rather than the Health Service Board.

The proposed Charter Amendment states that all programs and staff relating to health services be transferred to the Human Resources Department by January 1, 1995.

Worker's Compensation

Worker's Compensation benefits are currently administered by the Retirement Board. Under the proposed Charter Amendment, administration of Worker's Compensation would be conducted by the Department of Human Resources, with no oversight by the Retirement Board.

The proposed Charter Amendment states that all programs and staff related to the administration of the Worker's Compensation Program be transferred from the Retirement Board to the Department of Human Resources by July 1, 1995.

Personal Service Contracts

Under the proposed Charter Amendment, the Human Resources Director would have to approve all personal services contracts. Personal services contracts expected to exceed \$25,000 would also require Civil Service Commission approval. If the Civil Service Commission did not reject a contract within 30 days of submission by the Human Resources Director, the contract would be considered approved.

Investigation of Personnel System

Although the proposed Charter Amendment removes the authority of the Civil Service Commission to directly investigate the conduct of employees, the proposal does give the Civil Service Commission the power to investigate the overall operation of the personnel system and make recommendations to the Human Resources Director, the Mayor, or other City officials. The Civil Service Commission would have the power to subpoena witnesses and records for any hearing conducted as part of such an investigation.

Effect on the Cost of Government:

The Controller's Office reports that in and of itself the proposed Charter Amendment would not affect the cost of government. However, if the proposed Charter Amendment is approved, future related actions of the Mayor and the Board of Supervisors could increase or decrease the cost of government, the amount of which is presently indeterminable.

The proposed Charter Amendment could either increase or decrease the cost of government, since the proposed Charter Amendment does not provide staffing or other budgetary guidelines for the Department of Human Resources, other than to establish that there would be not more than 5 appointed managers and a confidential secretary. The Charter Amendment does transfer all staff currently performing functions to the new department, and guarantees the Civil Service status of Civil Service Commission employees.

Comments:

1. Mr. Clifford Gates, Deputy Director of the Mayor's Office of Employee Relations, states that it would be desirable for the City to have a centralized labor negotiation and dispute settlement process. Mr. Gates advises that the existence of Departmental MOUs, as well as a Master Labor Contract, decentralizes decision-making and results in having officials who are not familiar with labor law involved in labor negotiations.

2. Mr. Bill Lee, Director, Toxics, Health and Safety for the Department of Public Health, has provided the attached comments outlining several disadvantages to the Health and Safety unit at DPH becoming part of the proposed Human Resources Department. Mr. Lee cautions that, the proposed Charter Amendment (1) would separate safety and health functions from day-to-day departmental activities, (2) does not address environmental functions currently provided by City health and safety staff, (3) would reduce the City's ability to respond to hazardous materials spills, (4) may appear to be a conflict of interest, (5) does not provide the authority to close a work operation if it is determined to be hazardous to life and health, (6) would require amending the VDT ordinance, (7) would separate the Occupational Infectious Disease Program staff from HIV/HBV research and (8) would eliminate the ability to share equipment with DPH staff. In addition, Mr. Lee reports that even with health and safety centralized under a Human Resources Department, the City would still need staff in a variety of departments to monitor and implement health and safety regulations at the department level. Mr. Lee advises that there are currently 8 staff at DPH devoted full-time to City-wide employee health and safety, as well as approximately 14 other positions related to employee health and safety in other City departments.

Mr. Lee also questions the appropriateness of placing employee health and safety administration in the same department as the Worker's Compensation Program. He is concerned that there could be a conflict of interest between the health interests of employees and the cost-saving goals of the Worker's Compensation Program. However, Mr. Wendell L. Pryor, General Manager for Personnel of the Civil Service Commission, states that a survey of 10 of the best-managed cities in the country showed that 5 of these cities administer their worker's compensation programs in a human resources department.

MEMORANDUM

June 25, 1993

TO: Debra Newman

FROM: Bill Lee *BL*

SUBJECT: Proposed Charter Amendment: File 248-93-1

I have reviewed the proposed charter amendment on the Human Resources Department, File 248-93-1. This amendment transfers all the responsibility for policy, management and administration of all state, local and federal health and safety requirement relating to employees, as well as all OSH staff, to the Human Resources Department. As we discussed, I believe there are significant disadvantages to this approach. I have summarized my concerns below:

- (1) The most successful and cost effective OSH programs integrate OSH into day-to-day activities, and hold managers accountable for OSH performance. Pulling all OSH resources from the departments and centralizing them in the Human Resources Department separates the OSH function from "getting the job done", and makes it extremely difficult to hold line managers accountable for OSH performance. Further, the net effect of this action would be to punish departments that have dedicated resources to their OSH Program, and reward departments who have not been willing to commit resources to their OSH Program.
- (2) In almost all City departments, OSH staff are also responsible for environmental issues. However, responsibility for environmental issues is not transferred to the Human Resources Department. If the staff currently performing these functions are transferred, but the responsibility is not, departments will need to hire additional professional staff to satisfy environmental regulations. Therefore, this charter amendment will result in the need to hire additional staff, and will result in increased costs for the City. It should be noted that many corporations are reducing costs by combining OSH and environmental functions, not separating them!

Post-It™ brand fax transmittal memo 7671		# of pages → 3
To	Debra Newman	
From	Bill Lee	
Co.	Co.	
Dept.	Phone # 554-2780	
Fax # 252-0461	Fax #	

- (3) Within the Department of Public Health, Bureau of Toxics, Health and Safety Services, professional staff are matrixed between environmental and OSH programs. Further, many staff members work on issues which affect both occupational safety and health and public health and safety. For example, OSH staff are certified hazardous materials specialists and are on-call to respond to hazardous materials spills with SFFD 25% of the time. If OSH staff are transferred to the Human Resources Department, they would be unable to function as emergency responders, and additional emergency responders would need to be trained (minimum of 240 hours training). OSH staff also work with staff of the Hazardous Materials Program, particularly in evaluating City departments' compliance with the Hazardous Materials Ordinance, the Asbestos Program and the Hazardous Waste Program. Staff members from various programs provide back-up support for one another, and frequently collaborate on work projects. Transfer of only the OSH staff would negatively impact the Bureau's ability to direct resources and respond to emergent issues. As well as sharing personnel, common equipment, files and data bases are used by all Bureau staff. Therefore, additional staff, additional training of existing staff, additional equipment, and additional computer support would be needed to continue providing the existing level of service. This charter amendment would increase resources directed at CCSF employees, but would reduce resources available for public health and safety, such as responding to hazardous materials spills.
- (4) Co-locating OSH staff with workers' compensation and personnel functions may present the appearance of a conflict of interest. Currently, when OSH staff from DPH testify in legal proceedings, such as workers' compensation hearings, they are, and have the appearance of being, a neutral, scientific party. If the OSH staff and the workers' compensation staff reported into one department, the OSH staff would no longer appear neutral. Instead, their testimony would appear biased. Therefore, their effectiveness would be limited. Additionally, DPH OSH staff frequently assist other departments resolve health and safety complaints. Being from the Department of Public Health gives the OSH staff a positive image with employees and labor organizations: Staff is from the health department, and their primary concern is health and safety. If staff were from the Human Resources Department, the image would be negative, as the Human Resource Department will be associated with disciplinary proceedings, arbitrations, etc. Once again, the effectiveness of the OSH staff would be compromised. It is likely that this would result in the City retaining consultants to perform work now performed by CCSF employees, which would increase costs.
- (5) Being located in the Department of Public Health gives OSH staff the authority to shut-down any work operation which is immediately dangerous to life and health. Although this authority is rarely used, it is essential that OSH staff have this authority. As written the charter amendment would not give OSH staff this authority.

- (6) The VDT Ordinance, sponsored by Supervisor Alioto, is implemented by the Department of Public Health. As this is an occupational safety and health issue, this function would be shifted to the Human Resource Department. This would require amending the VDT Ordinance. Further, having enforcement of the VDT ordinance co-located with workers' compensation claims management and personnel issues could appear to be a conflict of interest. For example, if labor organizations allege the ordinance has not been fully implemented, and personnel feels the ordinance has been fully implemented, having the enforcing agency work in the same department as personnel would be problematic.
- (7) Personnel in the Occupational Infectious Disease (OID) Program at DPH are responsible for implementing the OSHA bloodborne pathogen standard. Therefore, these personnel would also be transferred to the Human Resources Department. This would remove OID personnel from the ongoing research on HIV/HBV at DPH, and could severely impact OIDs ability to provide medical treatment to DPH employees. Currently, many DPH medical personnel staff the needle stick hotline as a collateral duty, without receiving additional compensation. The needlestick hotline provides 24 hour per day, 365 day a year treatment and counseling for bloodborne pathogen exposures. If additional DPH personnel were not available to assist OID staff (two nurses), the current level of service could not be provided without significant additional staffing.
- (8) The Lead Ordinance, sponsored by Supervisor Shelly, established a Lead Control Program within the Department of Public Health. OSH staff and Lead Program staff share equipment, such as the lead analyzer. If the OSH staff is moved out of DPH, additional equipment will be needed. Further, this equipment contains a radioactive source, and a State license is required to operate the equipment. If equipment is located in two departments, two licenses and two Radiation Safety Officers would be required. This would include payment of two licensing fees, as opposed to one fee. Obviously, this would have a negative financial impact.

As detailed above, I do not believe transferring OSH personnel to the Human Resources Department would be beneficial or cost effective for CCSF. However, if OSH personnel are to be transferred, the proposed charter amendment must be expanded to fully describe the Human Resource Director's responsibility and authority for occupational safety and health issues. The authority to shut-down work operations, inspect other City Departments and enforce OSH regulations must be clearly specified. In addition, other departments with Safety and Health personnel (Port/Airport/PUC/DFW/Recreation and Park) should be contacted for their input. The rationale for transferring OSH to the Human Resources Department is not presented in this document. Prior to making a final decision, the perceived advantages and efficiencies should be fully evaluated. If I, or my staff, can provide any further assistance in this effort, please do not hesitate to contact me at 554-2780.

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Memo to Rules Committee
June 29, 1993 Special Rules Committee Meeting

Item 25 - File 273-93-1

Proposed Action: Charter Amendment

Draft: First Draft

Section Affected: The proposed Charter Amendment would add Section 3.662 relating to the creation and administration of an Executive Management Corps.

Description: Section 3.662 establishes an Executive Management Corps and provides the following:

1. The Civil Service Commission will compile a list of all positions designated as senior management and their positions will be designated as part of the Executive Management Corps. Positions created after January 1, 1994 will be assigned to the Executive Management Corps after review by the Civil Service Commission.

2. The Civil Service Commission will establish a salary range applicable to all Executive Management Corps positions. The minimum salary of the range will be the lowest base salary payable as of November 1, 1993 to any classification designated as senior management. The highest salary will be set at the highest base salary payable as of November 1, 1993 to any classification designated as senior management. An annual evaluation of the salary range of the Executive Management Corps will be conducted by the Civil Service Commission based on the pay of similar positions in other Bay Area County governments as well as the State government. Historically, salary surveys have also included cities, Special Districts and the Federal government, and when necessary non-Bay Area jurisdictions.

3. Salaries for each individual position of the Executive Management Corps will be set on an annual basis by the appointing officer taking into consideration merit, qualifications, experience, education, service and other criteria established by the Civil Service Commission. A final schedule of salaries for the Executive Management Corps will be transmitted to the Board of Supervisors. The Board may approve or reject the schedule.

4. If the voters of the City and County of San Francisco transfer the salary administration and survey function of the Civil Service Commission to another entity or individual, the duties and responsibilities of the Civil Service Commission

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pursuant to this Section will be transferred in their entirety to that individual or entity.

**Effect on the Cost
of Government:**

The Controller advises that the proposed Charter Amendment could increase or decrease the cost to City government depending upon the salary survey results and the appointing officers individual decisions regarding salary levels.

Comments:

1. The Budget Analyst notes that under the proposed Charter Amendment it is unclear whether salaries for the Executive Management Corps will be set based on the salary survey or on the individual appointing officers decision.

2. Salaries for Senior management positions are currently set by Salary Standardization under Charter Section 8.407.

Item 26 - File 259-93-1

Note: This item was continued at the June 15, 1993, meeting of the Rules Committee pending a meeting between the sponsor of the proposed Charter Amendment and Mr. John Cribbs, Director of Public Works.

Proposed Ballot

Measure: Charter Amendment

Draft: First Draft

Section Affected: The proposed Charter Amendment would amend Article VII, Special Procedures, by adding Section 7.504 thereto, relating to building inspection and construction.

Description: Section 3.510 of the Charter places certain departments, including the Department of Public Works, under the direction of the Chief Administrative Officer. The Bureau of Building Inspection is one of several technical bureaus assigned to the Department of Public Works. The proposed Charter Amendment would remove the Bureau of Building Inspection from the Department of Public Works and reassign the Bureau of Building Inspection to the Department of City Planning, as an integral component of the Department of City Planning.

The mission of the Bureau of Building Inspection is to safeguard life and limb, health, property, public welfare and public safety through the implementation and enforcement of local, State, and Federal laws and regulations concerning the design, construction, quality of materials, use and occupancy, location, and maintenance of buildings and structures within the City. The Bureau's mission is accomplished through the following activities:

1. Plan review and permit issuance to assure that proposed construction work meets minimum code requirements.
2. Field inspections to assure that construction follows the approved plans and code requirements.
3. Inspection of existing multiple-unit structures for compliance with the Housing Code.
4. Processing cases of non-compliance with Building Code and Housing Code requirements through an abatement program.
5. Providing consistent code interpretation and application to the public.

6. Educating the public on building safety requirements and building permit and construction inspection processes.
7. Investigating complaints concerning construction, safety, and property use issues.
8. Working with other organizations having involvement or interest in code enforcement to improve existing codes and standards.

The proposed Charter amendment provides that the Superintendent of the Bureau of Building Inspection (BBI) shall be subject to the Civil Service provisions of the Charter. Further, should the proposed Charter amendment be approved, the person who has Civil Service status in the position of Superintendent of the Bureau of Building Inspection of the Department of Public Works on the date that the approval becomes effective would continue to serve as Superintendent of the Bureau of Building Inspection. Further, all incumbents legally appointed to positions in the Bureau of Building Inspection would, on the date that approval of this proposed amendment becomes effective, continue in those positions.

**Effect on the Cost
of Government:**

The Controller's Office reports that in and of itself the proposed Charter Amendment would not affect the cost of government. However, if the proposed Charter Amendment is approved, the Controller's Office notes that as a result of future actions, there could be an increase or decrease in the cost of government, the amount of which is presently indeterminable.

The proposed Charter Amendment could either increase or decrease the cost of government, since the proposed Charter Amendment does not provide staffing or other budgetary guidelines for the proposed organizational realignment. The cost of government could be increased to the extent that support functions that now serve all of DPW's bureaus, such as finance, personnel, and management information systems, would have to be duplicated in the Department of City Planning.

Comments:

1. The Budget Analyst submitted a management audit report to the Board of Supervisors in October of 1989 on the City's permit processing system. The report, without specifying the precise nature or method of consolidating the Department of City Planning and the Bureau of Building Inspection, recommends the consolidation of these two City departments. Section 2.3 of that management audit report, "System Management and

Organizational Relationships," states that there are potentially significant benefits to be gained by consolidating the Department of City Planning and the Bureau of Building Inspection into a single City department. Areas of potential benefit include improved permit processing, improved conformance of construction to plans, improved code enforcement, improved funding for required resources, support personnel spread over a larger base, and the ability to combine talent within both organizations.

Further, the Budget Analyst recommends that the Mayor, Chief Administrative Officer, and the Board of Supervisors implement the necessary actions to consolidate the Department of City Planning and the Bureau of Building Inspection into a single City department.

2. In the estimate of the Budget Analyst, the proposed Charter Amendment could significantly increase the level of services provided by the City in the functions of permit processing, code enforcement, and assuring conformance of construction to plans.

3. Mr. John Cribbs, Director of Public Works, has provided the Budget Analyst with comments concerning the proposed organizational realignment. Those comments are contained in the Attachment. Mr. Cribbs has stated that the negative aspects of the proposed organizational realignment outweigh the primary benefits, which he considers to be improved permit processing and code enforcement. Mr. Cribbs has identified the following negative aspects of the proposed organizational realignment:

a. The burden of increased staff support services required from the Department of City Planning by BBI. Mr. Cribbs states that these services are already provided by the Department of Public Works for BBI.

b. The management staff of the Department of City Planning is not equipped to provide the expertise nor the support provided by the Department of Public Works to BBI in the event of a major catastrophe, such as an earthquake.

c. The merging of the BBI and the Department of City Planning would possibly result in an emphasis on BBI's permit processing capabilities to the detriment of fulfilling its responsibilities for enforcing State and Federal building codes for the safe use and occupancy of buildings and structures.



June 9, 1993

Mr. Harvey Rose
Budget Analyst
1390 Market Street, Suite 1025
San Francisco, CA 94102

Dear Mr. Rose:

In regard to the Charter Amendments adding Section 7.504 which deals with the transfer of the Bureau of Building Inspection to the Planning Commission, the Department of Public Works is not in favor of transferring the Bureau of Building Inspection to the Department of City Planning.

The negative features of this move outweigh the benefits of such transfer. One of the negative aspects of this transfer is that 175 people would be absorbed by the Department of City Planning currently staffed with about 80 people. This transfer would increase the burden on the staff support services from the Department of City Planning. These services are already provided by the Department of Public Works for the Bureau of Building Inspection.

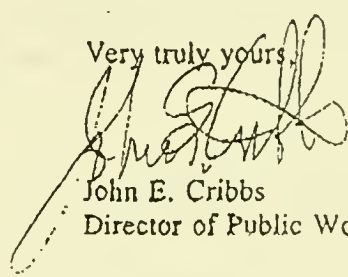
On the technical side, the Bureau of Building Inspection staff is composed of engineers, architects, inspectors, and clerical staff trained in the administration of the various codes with heavy emphasis on life safety and engineering. The managerial staff of the Department of City Planning cannot provide the expertise nor the support already provided by the Department of Public Works. In the event of a major catastrophe such as an earthquake, the Bureau of Building Inspection has the obligation to provide inspection of the buildings and structures damaged in the City and to coordinate its efforts with the Department of Public Works in order to return the City to its pre-earthquake condition. In transferring the Bureau of Building Inspection to the Department of City Planning the emergency technical support provided would not function as easily.

The Bureau of Building Inspection is charged with the enforcement of state and federal safety and building codes providing for the safe use and occupancy of buildings and structures. This is a state and federal mandate given to the Bureau of Building Inspection as the code enforcement agency for the City and County of San Francisco. By blending the Bureau of Building Inspection with the Department of City Planning we question whether the life safety issues will be provided equal time as compared to planning and zoning issues.

June 9, 1993
Mr. Harvey Rose
Page 2

On the positive side, the merging of the Bureau of Building Inspection with the Department of City Planning, since they are both related to the permit process, has some merits. However, it may be better advisable to remove the zoning enforcement and planning code enforcement from the Department of City Planning and merge those programs with the existing permit process system in the Bureau of Building Inspection, and eliminate the duplication of efforts existing between these two functions. The Planning Commission and staff, EIR review personnel, and the staff developing the various planning codes, zoning codes, and master plan, would remain in the Department of City Planning. The approximately 40 people in planning devoted to permit processing and code enforcement could be transferred to BBI for the creation of a truly one stop permit process.

Very truly yours,



John E. Cribbs
Director of Public Works

Memo to Rules Committee
June 29, 1993 Special Rules Committee Meeting

Item 27 - File 275-93-1

Proposed Ballot

Measure: Charter Amendment

Draft: Skeletal

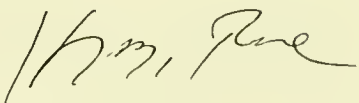
Section Affected: Unknown

Description: The proposed Charter Amendment would require all City departments and agencies to develop and present to the Mayor and Board of Supervisors once every five years a five-year revenue and expenditure plan.

Effect on the Cost

of Government: As of the writing of this report, the Controller's Office has not determined the fiscal impact of the proposed Charter Amendment.

Comments: The June 29, 1993 Special Rules Committee calendar indicates that the Chair intends to entertain a motion to table this proposed Charter Amendment.



Harvey M. Rose

cc: President Alioto
Supervisor Bierman
Supervisor Conroy
Supervisor Hallinan
Supervisor Hsieh
Supervisor Kaufman
Supervisor Kennedy
Supervisor Leal
Supervisor Maher
Supervisor Migden
Supervisor Shelley
Clerk of the Board
Chief Administrative Officer
Controller
Teresa Serata
Barbara Kolesar
Ted Lakey

23 with: Memo to Rules Committee
June 29, 1993 Special Rules Committee Meeting

Item 11 - File 267-93-1

REVISED

Proposed Ballot

Measure: Charter Amendment

DOCUMENTS DEPT.

JUN 29 1993

Draft: First Draft

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Section Affected: Amendment to Section 3.674, Funding the Retirement System

Description: The existing City Charter Section 3.674 defines a) the method of computing the normal contribution rate to be paid by the City and County of San Francisco and the San Francisco Unified School District for their employees that are members of the Retirement System, b) that any liability that exceeds the basic liability based on the normal contribution shall be paid into the Retirement System (amortized) over a period of 20 years and c) that expenses incurred in the implementation of this Section shall be paid from the accumulated contributions.

The proposed Charter Amendment would increase the amortization period by five years from the current 20 years to 25 years for any liability that exceeds the normal contribution liability and requires that any such liability that exists on July 1, 1993 be paid off by June 30, 2005.

Further, the proposed Charter Amendment would require that gains and losses of the value of the Retirement System assets be analyzed separately each year and shall be paid off over a period of between five and 15 years. The computation of the gains and losses would be based on investment experience and personnel experience. Investment experience results from a history of comparing actual market values of the Retirement System assets to valuations projected by the Retirement Board. Personnel experience includes considerations of wage increases, deaths, retirements and disabilities.

**Effect on the Cost
of Government:**

Mr. Kieran Murphy of the Retirement System indicates that the proposed Charter Amendment will probably not result in any reduced contribution requirement at this time because the cost increases and decreases for existing unfunded liabilities would result in a net offset. Retirement plan amendments approved by the voters after July 1, 1993 would be amortized over 25 years rather than 20 years, resulting in reduced annual retirement costs but total retirement costs would increase over the life of the longer amortization period. Mr. Murphy has not estimated the amounts of increases or decreases in costs but indicates that the proposed Charter Amendment would have the following impacts.

**BOARD OF SUPERVISORS
BUDGET ANALYST**

Memo to Rules Committee
June 29, 1993 Special Rules Committee Meeting

<u>Unfunded Liability</u>	<u>Amortization Period</u>				<u>Cost Effect from Proposed Charter Amendment On:</u>	
	<u>Current Provisions</u>	<u>Years</u>	<u>Proposed Provisions</u>	<u>Years</u>	<u>Annual Cost to City</u>	<u>Full Term Cost to City</u>
Current, Basic Unfunded Liab.	1980-2000	20	1980-2005	25	Decrease	Increase
Proposition A Early Retirement	1991-2011	20	1991-2005	14	Increase	Decrease
Retiree Benefits Increase Approved November, 1992	1992-2012	20	1992-2005	13	Increase	Decrease
Future Retirement Plan Amendments	—	20	—	25	Decrease	Increase

Mr. John Madden, Chief Deputy Controller, has not yet analyzed the proposed amendment for its financial implications.

Comments:

Mr. Murphy reports that the Retirement Board currently analyzes gains and losses on the value of the Retirement System assets using both investment experience and personnel experience as well as other information. According to Mr. Murphy, the proposed Charter Amendment would restrict the Retirement Board's flexibility in how it uses gains and losses in the contribution rate setting process. There would, however be no immediate effect on the City's contribution rate, Mr. Murphy states.

Memo to Rules Committee
June 29, 1993 Special Rules Committee Meeting

Item 12 - File 268-93-1

REVISED

Proposed Ballot

Measure: Charter Amendment

Draft: First Draft

Section Affected: Amendment to Section 3.674, Funding the Retirement System

Description: The existing City Charter Section 3.674 defines a) the method of computing the normal contribution rate to be paid by the City and County of San Francisco and the San Francisco Unified School District for their employees that are members of the Retirement System, b) that any liability that exceeds the basic liability based on the normal contribution shall be paid into the Retirement System (amortized) over a period of 20 years and c) that expenses incurred in the implementation of this Section shall be paid from the accumulated contributions.

The proposed Charter Amendment would increase the amortization period by five years from the current 20 years to 25 years for any liability that exceeds the normal contribution liability. However, the proposed Charter Amendment requires that any such liability (that exceeds the normal contribution liability) that exists on July 1, 1993 shall be paid off by June 30, 2005 (or 12 years).

**Effect on the Cost
of Government:**

Mr. Kieran Murphy of the Retirement System indicates that the proposed Charter Amendment will probably not result in any reduced contribution requirement at this time because the cost increases and decreases for existing unfunded liabilities would result in a net offset. Retirement plan amendments approved by the voters after July 1, 1993 would be amortized over 25 years rather than 20 years, resulting in reduced annual retirement costs but total retirement costs would increase over the life of the longer amortization period. Mr. Murphy has not estimated the amounts of increases or decreases in costs but indicates that the proposed Charter Amendment would have the following impacts.

Memo to Rules Committee
June 29, 1993 Special Rules Committee Meeting

<u>Unfunded Liability</u>	<u>Amortization Period</u>				<u>Cost Effect from Proposed Charter Amendment On:</u>	
	<u>Current Provisions</u>		<u>Proposed Provisions</u>		<u>Annual Cost to City</u>	<u>Full Term Cost to City</u>
	<u>Term</u>	<u>Years</u>	<u>Term</u>	<u>Years</u>		
Current, Basic Unfunded Liab.	1980-2000	20	1980-2005	25	Decrease	Increase
Proposition A Early Retirement	1991-2011	20	1991-2005	14	Increase	Decrease
Retiree Benefits Increase Approved November, 1992	1992-2012	20	1992-2005	13	Increase	Decrease
Future Retirement Plan Amendments	—	20	—	25	Decrease	Increase

Mr. John Madden, Chief Deputy Controller, has not yet analyzed the proposed amendment for its financial implications.

**BOARD OF SUPERVISORS**

BUDGET ANALYST

1390 MARKET STREET, SUITE 1025

SAN FRANCISCO, CALIFORNIA 94102 • TELEPHONE (415) 554-7642

July 2, 1993

TO: Rules Committee
FROM: Budget Analyst
SUBJECT: July 6, 1993 Rules Committee Meeting

Item 6 - File 253-93-1

Note: This item was continued by the Rules Committee at its meeting of June 29, 1993. The Budget Analyst has been informed that an amendment of the whole is being prepared by the City Attorney.

Proposed Ballot

Measure: Charter Amendment

Draft: First Draft

Sections Affected: Amendment to Sections 3.620 through 3.624 and Section 6.404

Description: The proposed Charter Amendment would amend Sections 3.620 through 3.624 and Section 6.404 establishing and governing the Fine Arts Museums of San Francisco, which includes the California Palace of the Legion of Honor and the M.H. de Young Memorial Museum. Specifically, the following changes would occur:

Composition of the Board of Trustees

The management and operations of the California Palace of the Legion of Honor and the M.H. de Young Memorial Museum is governed by a Board of Trustees. The proposed Charter Amendment would increase the maximum number of trustees from 32 to 62. The term of each trustee would be decreased from five years to three years. Other

administrative changes in the proposed Charter Amendment include the qualification and selection procedures of trustees and quorums necessary for voting. The Board of Trustees would still appoint new trustees as currently provided by the Charter.

Powers and Duties of the Board of Trustees

The Board of Trustees would have the power to agree to indemnification and binding arbitration for purposes of insuring the exhibits. For instance, arbitrators may be used to determine the value of losses. Currently, the Board of Supervisors' approval must be received to agree to indemnification and to enter into arbitration for the purposes of valuating museum losses.

The proposed Charter Amendment would also allow the Board of Trustees to enter into agreements with non-profit or private corporations to operate the museums and to maintain and develop a fund for art acquisition. The proposed Charter Amendment would expressly state that the Board of Trustees has the power to enter into agreements, although other existing provisions of the Charter also provide the Board of Trustees with these powers. The Board of Supervisors would continue to have approval over the contracts funded with City funds during the annual appropriation process.

Director and Other Employees

The proposed Charter Amendment would enable the Director of the Fine Arts Museum to appoint and remove any assistants and employees, and enter into personal services agreements with the approval of the Board of Trustees. Existing provisions of the Charter provide the Director with these powers, although it is not expressly stated.

In addition, the proposed Charter Amendment would provide that none of the Fine Arts Museum employees would be required to be employees of the City and County, and therefore would not be subject to the provisions of the Civil Service Commission. If any Fine Arts Museum employees are already Civil Service employees of the City and County, the Board of Trustees would be authorized to supplement their salaries in order to establish competitive salaries, as long as the compensation is not considered for City and County retirement purposes. Presently, certain Charter-named positions must be Civil Service employees, including the Director, the Deputy Director, Curators and the Executive Secretary to the Board of Trustees.

BOARD OF SUPERVISORS
BUDGET ANALYST

Accounts and Reports

The Fine Arts Museum would continue to be required to keep full records of all property, money, receipts and expenditures as well as the records of all Board of Trustees proceedings. However, the Fine Arts Museum would no longer be required to submit a report annually to the Controller, as is currently required.

**Effect on the Cost
of Government:**

The Controller's Office has not yet determined the effect on the cost of government from the proposed Charter Amendment. Under legislation presently before the Board of Supervisors, the Fine Arts Museum is proposing to switch its funding source from the General Fund to the Hotel Tax Fund in FY 1993-94. In addition, the Fine Arts Museum receives funding from private donations. There may be potential cost savings from enabling the Fine Arts Museums to use private or non-profit corporation employees, rather than Civil Service Commission employees. The Department has privatized many of its functions, such as accounting, curators, public information, education and conservator functions. Privatizing these functions has shifted costs from City funds to non-profit or private corporations funded through memberships and private donations. To the extent that the other functions and positions of the Fine Arts Museum are shifted to non-profit corporations would determine the extent of the cost savings. The proposed Charter Amendment does not specify the number of positions that would no longer be required to be Civil Service positions. However, the Department indicates that the proposed Charter Amendment would apply only to those three Charter-named positions, including the Director, Deputy Director, Curators and Executive Secretary that are currently required to be Civil Service positions.

Comments:

1. The Fine Arts Museum's proposed \$3.5 million FY 1993-94 City General Fund budget, includes a proposal to switch security guards and custodial services positions from Civil Service employees to contractual service employees through the Proposition J process. The Department estimates that this transfer would result in a savings of approximately \$622,000 annually. The remaining employees of the Fine Arts Museum could be privatized under the existing provisions of Proposition J, except for certain Charter-named positions, including the Director, Deputy Director, Curators and Executive Secretary that are required to be Civil Service employees. The proposed Charter Amendment would authorize the Fine Arts Museums to privatize all positions, including the Charter-named positions.

BOARD OF SUPERVISORS
BUDGET ANALYST

2. According to Mr. Steve Dykes of the Fine Arts Museum, approximately \$9.5 million in private funds are currently used to offset operating and other costs, as compared with the Fine Arts Museum's proposed approximate \$3.5 million FY 1993-94 City General Fund budget. Mr. Dykes reports that the proposed Charter Amendment would provide the Department with the flexibility to transfer certain Charter-named positions into the private or non-profit sector.

3. As noted, the fiscal impact to the City from the proposed Charter Amendment is unclear, but would depend upon the extent that positions are shifted into the private sector, thereby receiving funding from donations rather than using City funds. However, if the proposed Charter Amendment is approved, the Director of the Fine Arts Museum, with the approval of the Board of Trustees, would have the authority to enter into personal services agreements that would privatize these Charter-named positions. The Board of Supervisors would still continue to have authority over the personal services agreement to the extent that City funds are used and approved as part of the annual appropriation process.

Item 7 - File 263-93-1

Proposed Ballot

Measure: Charter Amendment

Note: This item was continued at the June 29, 1993, meeting of the Rules Committee.

Draft: Second Draft

Section Affected: The proposed Charter Amendment would add a new section, Section 8.517-3, providing for early service retirement for Miscellaneous officers and employees.

Description: Section 8.509 of the San Francisco Charter outlines the retirement provisions for Miscellaneous officers and employees employed on and subsequent to February 1, 1969, but prior to November 2, 1976. Section 8.584 of the Charter contains the retirement provisions for Miscellaneous officers and employees employed after November 1, 1976. Charter Sections 8.509(b) and 8.584-2 provide the percentage of average final compensation for each year of credited service at the age of retirement, taken to the preceding completed quarter year, for the purposes of calculating the retirement allowance. The following table is an excerpt from these sections.

Age at Retirement	Percent for Each Year of Credited Service	
	<u>Section 8.509(b)</u>	<u>Section 8.584-2</u>
50	1.0000	1.0000
51	1.1000	1.0667
52	1.2000	1.1333
53	1.3000	1.2000
54	1.4000	1.2667
55	1.5000	1.3333
56	1.6000	1.4000
57	1.7000	1.4667
58	1.8000	1.5333
59	1.9000	1.6000
60	2.0000	1.6667

According to Section 8.509 (b), in no event shall an employee's retirement allowance exceed 75 percent of his or her average final compensation. Under Section 8.584-2, no employee shall receive a retirement allowance exceeding 70 percent of his or her average final compensation.

Section 8.517-1 of the San Francisco Charter outlines an incentive program for employees to retire early by increasing an employee's credited service by two (2) years for both qualification and benefit computation purposes, provided that the employee retires with an effective date of service retirement subsequent to July 1, 1988, and prior to October 31, 1988. Similarly, Section 8.517-2 of the Charter provides employees with an incentive for early service retirement by increasing their age and credited service, for qualification and benefit computation purposes, by three (3) years, provided that the employee retires from service with an effective date of retirement on or after February 1, 1992, and prior to March 31, 1992.

The proposed Charter amendment would add a new section, similar to those described above, providing an early service retirement incentive for Miscellaneous employees who are members of the retirement systems under either Section 8.509 or 8.584. The proposed amendment would authorize the Retirement Board to increase the employee's age and credited service by 2 years for the purposes of qualification and benefit computation (2+2). This early retirement incentive could only be taken advantage of by employees who meet one of the two following requirements:

1. Must occupy a rank or position which will be abolished for at least two subsequent fiscal years; or
2. Must occupy a rank or position which would have been filled as a result of the elimination of a higher rank or position occupied by an officer or employee who has civil service rights to the member's position.

Compliance with one of these requirements would require certification from the Mayor and the appointing officer to the Board of Supervisors.

In addition, the proposed Charter amendment would provide that the early retirement benefits be limited by the maximum percentage limitations of 75 percent and 70 percent, respectively, in Charter Sections 8.509 (b) and 8.584, as listed above. Furthermore, the early retirement benefits offered under this proposed Charter Amendment would not apply if a member were to return to membership status in the retirement system.

Finally, the early retirement benefits under this proposed Charter amendment would be limited by Section 415 of the Internal Revenue Code of 1986, as amended, which sets forth

the limits on retirement benefits in order to be recognized as a tax-qualified plan. No early retirement benefits under this proposed Charter amendment would be effective if they were to have an adverse effect on the tax qualified status of the retirement system under Section 401 of the Internal Revenue Code of 1986, as amended.

**Effect on the Cost
of Government:**

According to Mr. Kieran Murphy of the Retirement System, the proposed early retirement incentive program would cost the City approximately \$40,000 per member accepting the early retirement offer in extra retirement benefits, based on statistics from the 1992 Early Retirement Program. Also, according to Mr. Murphy, the cost for the whole program on a lump sum present value basis would therefore be approximately \$20 million. That sum would appear as an additional liability of the Miscellaneous Plan and, if the liability were paid off over 20 years, the initial annual cost to the City would be approximately \$1.1 million. That annual cost would increase at 5.5% per year.

Comments:

1. Mr. Murphy estimates that given the conditions of eligibility for the proposed early retirement program, it is very difficult to make an accurate assessment of the number of employees who would take advantage of the proposed early retirement program. However, Mr. Murphy estimates that approximately 500 Miscellaneous members would eventually take advantage of the program.

2. According to Mr. Murphy, the effect of the proposal would be to provide a retirement incentive for a relatively small portion of Retirement System members who will be affected by current City layoffs. It would provide the incentive in a very focused way and it would also reduce the number of layoffs necessary because some members would choose to retire rather than to bump another employee. Mr. Murphy further states that the controls set up (certification by the Mayor and the appointing officer that the conditions have been met) may be sufficient to ensure that the program would have a significant impact on the layoff picture since the great majority of those being laid off or being bumped are far from retirement eligibility.

3. Mr. Murphy states that the cost per individual acceptance of a 3+3 early retirement program would be approximately \$55,000. As with the 2+2 program, the number of acceptances are very difficult to predict with any degree of assurance. If 500 is a reasonable estimate for the 2+2 program, then 600-700 would be a reasonable estimate for the 3+3 program. Mr.

Memo to Rules Committee
July 7, 1993, Rules Committee Meeting

Murphy estimates that the total cost, therefore, of 3+3 would be approximately \$35 million. The annual cost to the City over 20 years would be \$2 million, increasing at 5.5% per year.

Item 8 - File 269-93-1

Proposed Ballot

Measure: Charter Amendment

Note: This item was continued at the June 29, 1993, meeting of the Rules Committee.

Draft: Second Draft

Section Affected: The proposed Charter Amendment would add a new section, Section 8.517-4, providing for early service retirement for police officers.

Description: Section 8.559 of the San Francisco Charter outlines the retirement provisions for police officers employed on and subsequent to July 1, 1975, but prior to November 2, 1976. In addition, police officers employed after July 1, 1945 (pursuant to Section 8.544), and prior to July 1, 1975, have the option of becoming members of the retirement system under Section 8.559, with an effective date of July 1, 1975.

Charter Section 8.559-2 provides that police officers who have attained the age of 50 years and have completed at least 25 years of service shall receive a retirement allowance of 55 percent of their final compensation plus an allowance at the rate of 4 percent of their final compensation for each year of service rendered in excess of 25 years, provided, however, that such retirement allowance does not exceed 75 percent of their final compensation. In addition, Section 8.559-2 states that a police officer retiring after attaining the age of 65 years, but before completing 25 years of service, shall receive a retirement allowance that bears the same ratio to 50 percent of his or her final compensation, as the ratio of the number of credited years of service bears to 25 years. For example, a police officer, earning \$60,000 and retiring after attaining the age of 65, but with only 20 years of service, is entitled to receive an annual allowance of 20/25 or 80 percent of half of his final compensation, or 80 percent of \$30,000, which is \$24,000.

Charter Section 8.586 contains the retirement provisions for police officers employed after November 1, 1976. Section 8.586-2 of the Charter provides that police officers who have attained the age of 50 years and who have completed no less than 25 years of service shall receive a retirement allowance of 50 percent of their final compensation plus an allowance at the rate of 3 percent of their final compensation for each year of service rendered in excess of 25 years, provided, however, that

such retirement allowance shall not exceed 70 percent of their final compensation.

Section 8.517-1 of the Charter provides an incentive for an employee to retire early by increasing his or her credited service by two (2) years, provided that the employee retires with an effective date of service retirement subsequent to July 1, 1988, and prior to October 31, 1988. Similarly, Section 8.517-2 of the Charter provides employees with an incentive for early service retirement by increasing their age and credited service by three (3) years, provided that they retire from service with an effective date of retirement on or after February 1, 1992, and prior to March 31, 1992.

The proposed Charter amendment would add a new section providing an early service retirement incentive, similar to the programs described above, for police officers who are members of the retirement systems under Sections 8.559 or 8.586. The proposed amendment would authorize the Retirement Board to increase the employee's age and credited service for both qualification and benefit computation purposes by two (2) years, regardless of the effective date of retirement (2+2).

In addition, the proposed Charter amendment would provide that the early retirement benefits be limited by the maximum percentage limitations in Charter Sections 8.559-2 and 8.586-2, as described above. Furthermore, the early retirement benefits offered under this proposed Charter amendment would not apply if a member were to return to membership status in the retirement system.

Finally, the early retirement benefits under this proposed Charter amendment would be limited by Section 415 of the Internal Revenue Code of 1986, as amended, which sets forth the limits on the amount of retirement benefits that can be dispersed in order to be recognized as a tax-qualified plan. No early retirement benefits under this proposed Charter amendment would be effective if they were to have an adverse effect on the tax qualified status of the retirement system under Section 401 of the Internal Revenue Code of 1986, as amended.

**Effect on the Cost
of Government:**

Mr. Kieran Murphy of the Retirement System estimates that approximately 250 employees would take advantage of the early retirement incentive program. According to Mr. Murphy, the cost of the 2+2 incentive for this number of individuals would be approximately \$5 million on a lump sum present value basis. That sum would appear as an additional liability

of the Police Plan and, if the liability were paid off over 20 years, the initial annual cost to the City would be approximately \$300,000. That annual cost would increase at an average of 5.5% per year.

Comments:

1. According to Mr. Murphy, the main effect of the proposal would be to cause an increase in retirements that would have naturally occurred throughout FY 1993-94. Such retirements would be squeezed into the early retirement window period. In addition, an extra 80 or so Police Officers would retire on average 1-2 years earlier than they otherwise would have.

2. Because of the Consent Decree for Police, it is likely that all uniform personnel who retire would have to be replaced, and therefore savings to the City would not result from early retirement, except for differences in pay between entry level and higher level positions.

Item 9 - File 252-93-1

Note: This item was continued by the Rules Committee at its Special Meeting of June 30, 1993.

**Proposed Ballot
Measure**

Charter Amendment

Draft:

First Draft

Section Affected:

The proposed Charter Amendment would amend Sections 3.538 and 3.698-3.

Description:

The proposed Charter Amendment would transfer the function of administering the parking violation enforcement and collection program from the Department of Parking and Traffic (DPT) to the Police Department (SFPD). The specific functions that would be transferred include the control and management of Parking Control Officers, parking violations towing and scofflaw programs and the maintenance of information on the issuance and disposition of parking citations.

Parking violation enforcement functions were transferred from the SFPD to DPT by Proposition D, which was approved by the voters on November 8, 1988. Approval of this proposition amended the Charter to establish the DPT. The proposed Charter Amendment would return parking violation enforcement to the SFPD, while retaining a range of activities under the authority of the DPT.

Under the proposed Charter Amendment, the Department of Parking and Traffic would continue to administer traffic signal maintenance, sign shops, authorization and administration of colored curb marking, establishment and administration (but not enforcement) of residential parking permit zones, meter planning, collection and maintenance, off-street parking except at airports and the administration of the Interdepartmental Committee on Traffic and Transportation. DPT would also continue to respond to complaints regarding street design or traffic devices, and to engage in various types of traffic research and planning.

While DPT currently maintains information on the issuance and disposition of parking citations (a function that would be transferred to the SFPD under the proposed Charter Amendment), the Municipal Court now processes parking violation collections. However, the passage of Assembly Bill 408 de-criminalized parking citations in California and

requires each court that processes parking violations to transfer the processing function to the issuing agency, or in San Francisco, to the DPT. The law goes into effect on July 1, 1993 and the transfer must be completed by January 1, 1993. Although Deputy City Attorney Lawrence Wayte advises that according to AB408 the issuing agency could delegate ticket processing (but not adjudication) to another County agency that issues parking tickets or to a private vendor, Mr. Wayte states that as written, the proposed Charter Amendment would initially transfer the issuing and processing responsibility to the SFPD.

The proposed Charter Amendment would give the Board Of Supervisors the power to transfer the administration of the parking violation enforcement and processing program from the Chief of Police to the head of any other department. Mr. Wayte advises that this provision would permit such a transfer without the need to further amend the Charter.

**Effect on the Cost
of Government:**

The Controller's Office reports that the proposed Charter Amendment should not impact on the cost of government.

Comments:

1. Assembly Bill 408 requires that parking violation processing functions be fully transferred out of the Municipal Court by January 1, 1994. DPT is currently engaged in a planning process for taking over these processing functions. Because there would be only two months between possible voter passage of the proposed Charter Amendment in early November, 1993 and the required implementation of Assembly Bill 408 in January, 1994, DPT might have to commence administration of parking ticket processing and then subsequently transfer these functions to the SFPD when the SFPD was prepared to operate the system.

2. Issuance of parking citations in the three years that the DPT has administered parking violation enforcement has not reached the level of Fiscal Year 1988-89 citation issuance by the SFPD, as shown in the following chart.

Annual Parking Citation Issuance

<u>Fiscal Year</u>	<u>Issuing Agency</u>	<u>Parking Citations</u>
1988-89	SFPD	2,982,456
1989-90	SFPD	2,513,453
1990-91	DPT	2,400,421
1991-92	DPT	2,660,898
1992-93 proj. based on 11 mos.	DPT	2,260,530

Source:DPT

However DPT Senior Management Analyst Ms. Jocelyn Kane notes that citation issuance actually declined in the last year that issuance was administered by the SFPD. According to Ms. Kane, the decline was largely due to the fact that most Police Officers (as opposed to Parking Control Officers) stopped issuing parking tickets once the ordinance establishing the DPT was passed. Ms. Kane advises that two major factors have contributed to the sharp decline in ticket issuance in the current fiscal year. First, widespread vandalism of parking meters made it difficult for PCOs to issue expired meter tickets for vehicles parked at broken meters. Second, the DPT responded to increasing demands on the SFPD dispatch system by setting up a separate DPT dispatch to handle parking complaints in the middle of the FY1992-93 year. DPT allocated 50 PCOs to respond to citizen-initiated parking complaints. While these Officers continue to issue tickets when not on call, a large portion of their time is spent handling individual matters, such as cars parked across driveways.

3. The Police Commission, at its May 26, 1993 meeting, passed a resolution urging the Board of Supervisors to disapprove the placement of the proposed Charter Amendment on the ballot. The resolution cites the "serious crime" prevention and detection mission of the SFPD, the recent decriminalization of parking citations, and the "excellent cooperation" between the DPT and the SFPD. The Parking and Traffic Commission passed a similar resolution at its June 1, 1993 meeting.

4. In a May 28, 1993 memo to the Parking and Traffic Commission, DPT Executive Director Mr. John E. Newlin states that the proposed Charter Amendment would place new demands on Police dispatch and 911. Mr. Newlin reports that last year the DPT received over 300,000 citizen calls, or approximately 822 calls per day, to its citizen complaint phone number. Officer Karen Petromilli of the

BOARD OF SUPERVISORS
BUDGET ANALYST

SFPD Communications Division reports that the Police dispatch system currently handles approximately 3,000 calls per day from the regular Police dispatch line and the 911 line, so an additional 822 calls per day would represent approximately a 27 percent increase in calls. Acting Captain Dennis Schard of the SFPD Communications Division states that, if parking-related calls were returned to the SFPD dispatch system, the system would require at least an additional four positions during most hours. The alternative to adding new positions would be a reduced response to calls regarding other Police business, as callers hang up rather than wait for a response.

5. The number of Parking Control Officers (PCOs) has increased by 43 since these positions were transferred to the DPT, to a total of 272 PCOs. DPT employs an Enforcement Director, 2 Parking Enforcement Supervisors, 6 Assistant Supervisors for Traffic Enforcement and 24 Senior PCOs to manage the PCOs, although the proposed FY1993-94 DPT budget eliminates 5 of the 6 Assistant Supervisor positions.

Captain John Gleeson of the SFPD advises that, when the PCOs were formerly under the SFPD, they were supervised by Sergeants. The SFPD used a squad concept, with 7 officers for every Sergeant. Sergeants worked the same days and hours as the PCOs they supervised. During the transition period from SFPD to DPT, SFPD introduced the 24 Senior PCO positions to take on some of the burden of supervision. Captain Gleeson states that he believes squads are the most effective way to supervise Parking Control Officers to maximize revenues, but he adds that it would be hard for the SFPD to allocate Police Officers to supervise Parking Enforcement at this time. Ms. Kathryn Hile of the DPT states that, to the extent that the SFPD utilized uniformed personnel to oversee the supervision of PCOs, costs would be increased due to the higher gross salaries and benefits paid to the Police Officers in contrast to the salaries of the civilian employees of DPT.

6. Mr. Newlin states that shifting parking enforcement activities back to the SFPD could decrease productivity and revenues. Mr. Newlin advises that parking enforcement activities would take a low priority at the SFPD, whereas they are now a central focus of the DPT. Mr. Newlin states that, in the past, the SFPD has occasionally used PCOs to fill staffing voids in clerical and other areas, and he is concerned that this could happen again.

Item 10 - File 248-93-1

Note: This item was continued by the Rules Committee at its meeting of June 29, 1993.

Proposed Ballot Measure

Charter Amendment

Draft:

First Draft

Section Affected:

The proposed Charter Amendment would amend Sections 3.100-2, 3.661, 3.681, 3.682, 8.420, 8.429, 8.515 and 8.518, and add Sections 3.662 and 3.663.

Description:

The proposed Charter Amendment would establish a Human Resources Department, and transfer many of the functions of the Civil Service Commission, the Employee Relations Division of the Mayor's Office, the Health and Safety Programs of the Department of Public Health (DPH), the Health Services Board and the Retirement Board to the new department.

Organization of the Proposed New Department

Under the proposed Charter Amendment, the Civil Service Commission would nominate candidates for the position of Human Resources Director. The Director would be selected by the Mayor and would serve at the pleasure of the Mayor. The proposal provides that the current General Manager for Personnel of the Civil Service Commission would be appointed to serve as the Human Resources Director from the effective date of the Charter Amendment until January 8, 1996.

The Human Resources Director would be authorized to make up to 5 management appointments and appoint one confidential secretary. The Human Resources Director would also have the authority to contract out any function of the Human Resources Department. Mr. John Holtzman of the City Attorney's Office advises that such activities as labor negotiations and employee assistance programs have traditionally been contracted out by the agencies that administer these functions.

The proposed Charter Amendment would transfer employees from the Civil Service Commission whose job functions are transferred to the new department, without loss of Civil Service rights. Staff would also be transferred along with transferred functions from the Employee

Relations Division of the Mayor's Office, the Worker's Compensation Program of the Retirement Board, and the Health Services System.

Personnel System

The Civil Service Commission would retain the authority to adopt rules governing the Civil Service system. Changes to the rules could be proposed by the Human Resources Director, for approval or rejection by the Civil Service Commission.

The Human Resources Director would assume the responsibility for classifying positions, administering salaries, and recruiting, certifying, appointing, training and evaluating employees. The Human Resources Director would conduct salary surveys for approval by the Civil Service Commission.

The Civil Service Commission currently has the authority to investigate the conduct of City employees and to review and resolve allegations of discrimination. Under the proposed Charter Amendment, the Human Resources Director would provide all City Departments with a procedure for resolution of employee disputes, and review and resolve any allegations of discrimination or employee complaints regarding the conduct of City and County employees. Employees could appeal decisions of the Human Resources Director regarding allegations of discrimination, fraud or conflict of interest to the Civil Service Commission. The proposal states that no action of the Human Resources Director would be stayed during such an appeal, except by a unanimous vote of the Civil Service Commission.

Labor Negotiations

Under the proposed Charter Amendment, the Human Resources Director would take over the responsibility for labor negotiations from the Mayor's Office of Labor Relations. The Human Resources Director would submit proposed memoranda of understanding (MOUs) to the Mayor, who on approval would submit such MOUs to the Board of Supervisors for approval.

The proposed Charter Amendment states that all programs and staff relating to labor relations be transferred to the Human Resources Department by July 1, 1994.

Health and Safety

The Human Resources Department would take on the responsibility for policy, management and administration of all State, local and federal health and safety requirements relating to employees. This function is currently performed by the Department of Public Health.

The proposed Charter Amendment states that all programs and staff related to employee health and safety be transferred to the Department of Human Resources by July 1, 1995.

Health Service System

The City's Health Service System currently functions as an independent agency under the Health Service Board. The proposed Charter Amendment would place the Health Service System under the authority of the Human Resources Department. The Human Resources Department would administer the Health Service System subject to the approval of the Health Service Board on policy matters only. The Health Service Board would retain the right to appoint a full-time medical director or executive officer for the Health Service System.

The Human Resources Director, rather than the Health Service Board, would have the power to exempt employees whose income is considered sufficient for self-coverage, or who have otherwise provided for adequate medical care. The Health Service Board would retain the responsibility for determining the amount to be paid monthly by members of the system. The Board would not, however, serve as an appeal board. Mr. Holtzman advises that decisions of the Health Service System Medical Director or Executive Officer regarding specific employees would be subject only to the approval of the Human Resources Director.

Investment of the Health Service System Fund would be administered by the Human Resources Department rather than the Health Service Board.

The proposed Charter Amendment states that all programs and staff relating to health services be transferred to the Human Resources Department by January 1, 1995.

Worker's Compensation

Worker's Compensation benefits are currently administered by the Retirement Board. Under the proposed Charter Amendment, administration of Worker's Compensation would be conducted by the Department of Human Resources, with no oversight by the Retirement Board.

The proposed Charter Amendment states that all programs and staff related to the administration of the Worker's Compensation Program be transferred from the Retirement Board to the Department of Human Resources by July 1, 1995.

Personal Service Contracts

Under the proposed Charter Amendment, the Human Resources Director would have to approve all personal services contracts. Personal services contracts expected to exceed \$25,000 would also require Civil Service Commission approval. If the Civil Service Commission did not reject a contract within 30 days of submission by the Human Resources Director, the contract would be considered approved.

Investigation of Personnel System

Although the proposed Charter Amendment removes the authority of the Civil Service Commission to directly investigate the conduct of employees, the proposal does give the Civil Service Commission the power to investigate the overall operation of the personnel system and make recommendations to the Human Resources Director, the Mayor, or other City officials. The Civil Service Commission would have the power to subpoena witnesses and records for any hearing conducted as part of such an investigation.

**Effect on the Cost
of Government:**

The Controller's Office reports that in and of itself the proposed Charter Amendment would not affect the cost of government. However, if the proposed Charter Amendment is approved, future related actions of the Mayor and the Board of Supervisors could increase or decrease the cost of government, the amount of which is presently indeterminable.

The proposed Charter Amendment could either increase or decrease the cost of government, since the proposed Charter Amendment does not provide staffing or other budgetary guidelines for the Department of Human Resources, other than to establish that there would be not more than 5 appointed managers and a confidential secretary. The Charter Amendment does transfer all staff currently performing functions to the new department, and guarantees the Civil Service status of Civil Service Commission employees.

Comments:

1. Mr. Clifford Gates, Deputy Director of the Mayor's Office of Employee Relations, states that it would be desirable for the City to have a centralized labor negotiation and dispute settlement process. Mr. Gates advises that the existence of Departmental MOUs, as well as a Master Labor Contract, decentralizes decision-making and results in having officials who are not familiar with labor law involved in labor negotiations.

2. Mr. Bill Lee, Director, Toxics, Health and Safety for the Department of Public Health, has provided the attached comments outlining several disadvantages to the Health and Safety unit at DPH becoming part of the proposed Human Resources Department. Mr. Lee cautions that, the proposed Charter Amendment (1) would separate safety and health functions from day-to-day departmental activities, (2) does not address environmental functions currently provided by City health and safety staff, (3) would reduce the City's ability to respond to hazardous materials spills, (4) may appear to be a conflict of interest, (5) does not provide the authority to close a work operation if it is determined to be hazardous to life and health, (6) would require amending the VDT ordinance, (7) would separate the Occupational Infectious Disease Program staff from HIV/HBV research and (8) would eliminate the ability to share equipment with DPH staff. In addition, Mr. Lee reports that even with health and safety centralized under a Human Resources Department, the City would still need staff in a variety of departments to monitor and implement health and safety regulations at the department level. Mr. Lee advises that there are currently 8 staff at DPH devoted full-time to City-wide employee health and safety, as well as approximately 14 other positions related to employee health and safety in other City departments.

Memo to Rules Committee
July 6, 1993 Rules Committee Meeting

Mr. Lee also questions the appropriateness of placing employee health and safety administration in the same department as the Worker's Compensation Program. He is concerned that there could be a conflict of interest between the health interests of employees and the cost-saving goals of the Worker's Compensation Program. However, Mr. Wendell L. Pryor, General Manager for Personnel of the Civil Service Commission, states that a survey of 10 of the best-managed cities in the country showed that 5 of these cities administer their worker's compensation programs in a human resources department.

City and County of San Francisco

Department of Public Health



MEMORANDUM

June 25, 1993

TO: Debra Newman

FROM: Bill Lee *BL*

SUBJECT: Proposed Charter Amendment: File 248-93-1

I have reviewed the proposed charter amendment on the Human Resources Department, File 248-93-1. This amendment transfers all the responsibility for policy, management and administration of all state, local and federal health and safety requirement relating to employees, as well as all OSH staff, to the Human Resources Department. As we discussed, I believe there are significant disadvantages to this approach. I have summarized my concerns below:

- (1) The most successful and cost effective OSH programs integrate OSH into day-to-day activities, and hold managers accountable for OSH performance. Pulling all OSH resources from the departments and centralizing them in the Human Resources Department separates the OSH function from "getting the job done", and makes it extremely difficult to hold line managers accountable for OSH performance. Further, the net effect of this action would be to punish departments that have dedicated resources to their OSH Program, and reward departments who have not been willing to commit resources to their OSH Program.
- (2) In almost all City departments, OSH staff are also responsible for environmental issues. However, responsibility for environmental issues is not transferred to the Human Resources Department. If the staff currently performing these functions are transferred, but the responsibility is not, departments will need to hire additional professional staff to satisfy environmental regulations. Therefore, this charter amendment will result in the need to hire additional staff, and will result in increased costs for the City. It should be noted that many corporations are reducing costs by combining OSH and environmental functions, not separating them!

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To <i>Debra Newman</i>	From <i>Bill Lee</i>
Co.	Co.
Dept.	Phone # <i>554-2780</i>
Fax # <i>252-0461</i>	Fax #

- (3) Within the Department of Public Health, Bureau of Toxics, Health and Safety Services, professional staff are matrixed between environmental and OSH programs. Further, many staff members work on issues which affect both occupational safety and health and public health and safety. For example, OSH staff are certified hazardous materials specialists and are on-call to respond to hazardous materials spills with SFFD 25% of the time. If OSH staff are transferred to the Human Resources Department, they would be unable to function as emergency responders, and additional emergency responders would need to be trained (minimum of 240 hours training). OSH staff also work with staff of the Hazardous Materials Program, particularly in evaluating City departments' compliance with the Hazardous Materials Ordinance, the Asbestos Program and the Hazardous Waste Program. Staff members from various programs provide back-up support for one another, and frequently collaborate on work projects. Transfer of only the OSH staff would negatively impact the Bureau's ability to direct resources and respond to emergent issues. As well as sharing personnel, common equipment, files and data bases are used by all Bureau staff. Therefore, additional staff, additional training of existing staff, additional equipment, and additional computer support would be needed to continue providing the existing level of service. This charter amendment would increase resources directed at CCSP employees, but would reduce resources available for public health and safety, such as responding to hazardous materials spills.
- (4) Co-locating OSH staff with workers' compensation and personnel functions may present the appearance of a conflict of interest. Currently, when OSH staff from DPH testify in legal proceedings, such as workers' compensation hearings, they are, and have the appearance of being, a neutral, scientific party. If the OSH staff and the workers' compensation staff reported into one department, the OSH staff would no longer appear neutral. Instead, their testimony would appear biased. Therefore, their effectiveness would be limited. Additionally, DPH OSH staff frequently assist other departments resolve health and safety complaints. Being from the Department of Public Health gives the OSH staff a positive image with employees and labor organizations: Staff is from the health department, and their primary concern is health and safety. If staff were from the Human Resources Department, the image would be negative, as the Human Resource Department will be associated with disciplinary proceedings, arbitrations, etc. Once again, the effectiveness of the OSH staff would be compromised. It is likely that this would result in the City retaining consultants to perform work now performed by CCSP employees, which would increase costs.
- (5) Being located in the Department of Public Health gives OSH staff the authority to shut-down any work operation which is immediately dangerous to life and health. Although this authority is rarely used, it is essential that OSH staff have this authority. As written the charter amendment would not give OSH staff this authority.

- (6) The VDT Ordinance, sponsored by Supervisor Alioto, is implemented by the Department of Public Health. As this is an occupational safety and health issue, this function would be shifted to the Human Resource Department. This would require amending the VDT Ordinance. Further, having enforcement of the VDT ordinance co-located with workers' compensation claims management and personnel issues could appear to be a conflict of interest. For example, if labor organizations allege the ordinance has not been fully implemented, and personnel feels the ordinance has been fully implemented, having the enforcing agency work in the same department as personnel would be problematic.
- (7) Personnel in the Occupational Infectious Disease (OID) Program at DPH are responsible for implementing the OSHA bloodborne pathogen standard. Therefore, these personnel would also be transferred to the Human Resources Department. This would remove OID personnel from the ongoing research on HIV/HBV at DPH, and could severely impact OIDs ability to provide medical treatment to DPH employees. Currently, many DPH medical personnel staff the needle stick hotline as a collateral duty, without receiving additional compensation. The needlestick hotline provides 24 hour per day, 365 day a year treatment and counseling for bloodborne pathogen exposures. If additional DPH personnel were not available to assist OID staff (two nurses), the current level of service could not be provided without significant additional staffing.
- (8) The Lead Ordinance, sponsored by Supervisor Shelly, established a Lead Control Program within the Department of Public Health. OSH staff and Lead Program staff share equipment, such as the lead analyzer. If the OSH staff is moved out of DPH, additional equipment will be needed. Further, this equipment contains a radioactive source, and a State license is required to operate the equipment. If equipment is located in two departments, two licenses and two Radiation Safety Officers would be required. This would include payment of two licensing fees, as opposed to one fee. Obviously, this would have a negative financial impact.

As detailed above, I do not believe transferring OSH personnel to the Human Resources Department would be beneficial or cost effective for CCSF. However, if OSH personnel are to be transferred, the proposed charter amendment must be expanded to fully describe the Human Resource Director's responsibility and authority for occupational safety and health issues. The authority to shut-down work operations, inspect other City Departments and enforce OSH regulations must be clearly specified. In addition, other departments with Safety and Health personnel (Port/Airport/PUC/DPW/Recreation and Park) should be contacted for their input. The rationale for transferring OSH to the Human Resources Department is not presented in this document. Prior to making a final decision, the perceived advantages and efficiencies should be fully evaluated. If I, or my staff, can provide any further assistance in this effort, please do not hesitate to contact me at 554-2780.

3710t

Item 11 - File 273-93-1

Note: This item was continued by the Rules Committee at its meeting of June 29, 1993.

Proposed Action: Charter Amendment

Draft: First Draft

Section Affected: The proposed Charter Amendment would add Section 3.662 relating to the creation and administration of an Executive Management Corps.

Description: Section 3.662 establishes an Executive Management Corps and provides the following:

1. The Civil Service Commission will compile a list of all positions designated as senior management and their positions will be designated as part of the Executive Management Corps. Positions created after January 1, 1994 will be assigned to the Executive Management Corps after review by the Civil Service Commission.

2. The Civil Service Commission will establish a salary range applicable to all Executive Management Corps positions. The minimum salary of the range will be the lowest base salary payable as of November 1, 1993 to any classification designated as senior management. The highest salary will be set at the highest base salary payable as of November 1, 1993 to any classification designated as senior management. An annual evaluation of the salary range of the Executive Management Corps will be conducted by the Civil Service Commission based on the pay of similar positions in other Bay Area County governments as well as the State government. Historically, salary surveys have also included cities, Special Districts and the Federal government, and when necessary non-Bay Area jurisdictions.

3. Salaries for each individual position of the Executive Management Corps will be set on an annual basis by the appointing officer taking into consideration merit, qualifications, experience, education, service and other criteria established by the Civil Service Commission. A final schedule of salaries for the Executive Management Corps will be transmitted to the Board of Supervisors. The Board may approve or reject the schedule.

BOARD OF SUPERVISORS
BUDGET ANALYST

4. If the voters of the City and County of San Francisco transfer the salary administration and survey function of the Civil Service Commission to another entity or individual, the duties and responsibilities of the Civil Service Commission pursuant to this Section will be transferred in their entirety to that individual or entity.

**Effect on the Cost
of Government:**

The Controller advises that the proposed Charter Amendment could increase or decrease the cost to City government depending upon the salary survey results and the appointing officers individual decisions regarding salary levels.

Comments:

1. The Budget Analyst notes that under the proposed Charter Amendment it is unclear whether salaries for the Executive Management Corps will be set based on the salary survey or on the individual appointing officers decision.

2. Salaries for Senior management positions are currently set by Salary Standardization under Charter Section 8.407.

Item 12 - File 259-93-1

Note: This item was continued by the Rules Committee at its meeting of June 29, 1993.

Proposed Ballot

Measure: Charter Amendment

Draft: First Draft

Section Affected: The proposed Charter Amendment would amend Article VII, Special Procedures, by adding Section 7.504 thereto, relating to building inspection and construction.

Description: Section 3.510 of the Charter places certain departments, including the Department of Public Works, under the direction of the Chief Administrative Officer. The Bureau of Building Inspection is one of several technical bureaus assigned to the Department of Public Works. The proposed Charter Amendment would remove the Bureau of Building Inspection from the Department of Public Works and reassign the Bureau of Building Inspection to the Department of City Planning, as an integral component of the Department of City Planning.

The mission of the Bureau of Building Inspection is to safeguard life and limb, health, property, public welfare and public safety through the implementation and enforcement of local, State, and Federal laws and regulations concerning the design, construction, quality of materials, use and occupancy, location, and maintenance of buildings and structures within the City. The Bureau's mission is accomplished through the following activities:

1. Plan review and permit issuance to assure that proposed construction work meets minimum code requirements.
2. Field inspections to assure that construction follows the approved plans and code requirements.
3. Inspection of existing multiple-unit structures for compliance with the Housing Code.
4. Processing cases of non-compliance with Building Code and Housing Code requirements through an abatement program.
5. Providing consistent code interpretation and application to the public.

6. Educating the public on building safety requirements and building permit and construction inspection processes.
7. Investigating complaints concerning construction, safety, and property use issues.
8. Working with other organizations having involvement or interest in code enforcement to improve existing codes and standards.

The proposed Charter amendment provides that the Superintendent of the Bureau of Building Inspection (BBI) shall be subject to the Civil Service provisions of the Charter. Further, should the proposed Charter amendment be approved, the person who has Civil Service status in the position of Superintendent of the Bureau of Building Inspection of the Department of Public Works on the date that the approval becomes effective would continue to serve as Superintendent of the Bureau of Building Inspection. Further, all incumbents legally appointed to positions in the Bureau of Building Inspection would, on the date that approval of this proposed amendment becomes effective, continue in those positions.

**Effect on the Cost
of Government:**

The Controller's Office reports that in and of itself the proposed Charter Amendment would not affect the cost of government. However, if the proposed Charter Amendment is approved, the Controller's Office notes that as a result of future actions, there could be an increase or decrease in the cost of government, the amount of which is presently indeterminable.

The proposed Charter Amendment could either increase or decrease the cost of government, since the proposed Charter Amendment does not provide staffing or other budgetary guidelines for the proposed organizational realignment. The cost of government could be increased to the extent that support functions that now serve all of DPW's bureaus, such as finance, personnel, and management information systems, would have to be duplicated in the Department of City Planning.

Comments:

1. The Budget Analyst submitted a management audit report to the Board of Supervisors in October of 1989 on the City's permit processing system. The report, without specifying the precise nature or method of consolidating the Department of City Planning and the Bureau of Building Inspection, recommends the consolidation of these two City departments. Section 2.3 of that management audit report, "System Management and Organizational Relationships," states that there are potentially

significant benefits to be gained by consolidating the Department of City Planning and the Bureau of Building Inspection into a single City department. Areas of potential benefit include improved permit processing, improved conformance of construction to plans, improved code enforcement, improved funding for required resources, support personnel spread over a larger base, and the ability to combine talent within both organizations.

Further, the Budget Analyst recommends that the Mayor, Chief Administrative Officer, and the Board of Supervisors implement the necessary actions to consolidate the Department of City Planning and the Bureau of Building Inspection into a single City department.

2. In the estimate of the Budget Analyst, the proposed Charter Amendment could significantly increase the level of services provided by the City in the functions of permit processing, code enforcement, and assuring conformance of construction to plans.

3. Mr. John Cribbs, Director of Public Works, has provided the Budget Analyst with comments concerning the proposed organizational realignment. Those comments are contained in the Attachment. Mr. Cribbs has stated that the negative aspects of the proposed organizational realignment outweigh the primary benefits, which he considers to be improved permit processing and code enforcement. Mr. Cribbs has identified the following negative aspects of the proposed organizational realignment:

a. The burden of increased staff support services required from the Department of City Planning by BBI. Mr. Cribbs states that these services are already provided by the Department of Public Works for BBI.

b. The management staff of the Department of City Planning is not equipped to provide the expertise nor the support provided by the Department of Public Works to BBI in the event of a major catastrophe, such as an earthquake.

c. The merging of the BBI and the Department of City Planning would possibly result in an emphasis on BBI's permit processing capabilities to the detriment of fulfilling its responsibilities for enforcing State and Federal building codes for the safe use and occupancy of buildings and structures.



June 9, 1993

Mr. Harvey Rose
Budget Analyst
1390 Market Street, Suite 1025
San Francisco, CA 94102

Dear Mr. Rose:

In regard to the Charter Amendments adding Section 7.504 which deals with the transfer of the Bureau of Building Inspection to the Planning Commission, the Department of Public Works is not in favor of transferring the Bureau of Building Inspection to the Department of City Planning.

The negative features of this move outweigh the benefits of such transfer. One of the negative aspects of this transfer is that 175 people would be absorbed by the Department of City Planning currently staffed with about 80 people. This transfer would increase the burden on the staff support services from the Department of City Planning. These services are already provided by the Department of Public Works for the Bureau of Building Inspection.

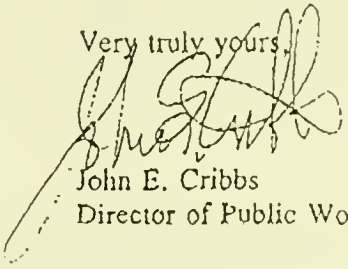
On the technical side, the Bureau of Building Inspection staff is composed of engineers, architects, inspectors, and clerical staff trained in the administration of the various codes with heavy emphasis on life safety and engineering. The managerial staff of the Department of City Planning cannot provide the expertise nor the support already provided by the Department of Public Works. In the event of a major catastrophe such as an earthquake, the Bureau of Building Inspection has the obligation to provide inspection of the buildings and structures damaged in the City and to coordinate its efforts with the Department of Public Works in order to return the City to its pre-earthquake condition. In transferring the Bureau of Building Inspection to the Department of City Planning the emergency technical support provided would not function as easily.

The Bureau of Building Inspection is charged with the enforcement of state and federal safety and building codes providing for the safe use and occupancy of buildings and structures. This is a state and federal mandate given to the Bureau of Building Inspection as the code enforcement agency for the City and County of San Francisco. By blending the Bureau of Building Inspection with the Department of City Planning we question whether the life safety issues will be provided equal time as compared to planning and zoning issues.

June 9, 1993
Mr. Harvey Rose
Page 2

On the positive side, the merging of the Bureau of Building Inspection with the Department of City Planning, since they are both related to the permit process, has some merits. However, it may be better advisable to remove the zoning enforcement and planning code enforcement from the Department of City Planning and merge those programs with the existing permit process system in the Bureau of Building Inspection, and eliminate the duplication of efforts existing between these two functions. The Planning Commission and staff, EIR review personnel, and the staff developing the various planning codes, zoning codes, and master plan, would remain in the Department of City Planning. The approximately 40 people in planning devoted to permit processing and code enforcement could be transferred to BBI for the creation of a truly one stop permit process.

Very truly yours,



John E. Cribbs
Director of Public Works

Items 13 and 14 - Files 97-93-6 and 56-93-1

Note: These items were continued at the Rules Committee meeting of June 15, 1993. The following analysis is based on an Amendment of the Whole dated June 14, 1993, which is the most recent version of the proposed legislation.

Item: Ordinance amending the Administrative Code by adding Chapter 66 to provide greater public access to City records and to meetings of City Boards, Commissions, and Committees and by deleting Sections 16.5 and 16.5.1 relating to public meetings (File 97-93-6).

Motion amending Rules 4.20, 4.31, and 4.24 of the Rules of Order, Board of Supervisors, to require that legislation be available to the public for 30 days before action is taken by the Board of Supervisors (File 56-93-1).

Description: File 97-93-6

The proposed ordinance would delete existing provisions of the Administrative Code relating to special meetings of the Board of Supervisors and public testimony at public meetings. The proposed ordinance would add a new Chapter to the Administrative Code providing for greater public access to the public meetings and records of San Francisco government.

The principal provisions of the proposed ordinance, including those which, according to the City Attorney's Office, would represent the most significant change from current law, and the potential additional costs to the City where these can be identified, are as follows.

Expand the type of policy bodies required to conduct open meetings: The governing boards of private entities which own, manage, or operate property in which the City has an ownership interest would be required to open their meetings to the public, if the body performs a government function related to "the furtherance of health, safety, or welfare," and if the meeting addresses a matter related to the property in which the City has an ownership interest.

Narrow the grounds for acting on items not appearing on the agenda: Currently, a non-agenda item can be considered if a policy body finds that the need to take action arose after the agenda was prepared. Under the proposed ordinance, a matter not appearing on the agenda would have to be "so imperative as to threaten serious injury to the public interest

BOARD OF SUPERVISORS
BUDGET ANALYST

if action were deferred," or be "purely commendatory" action, in order to be acted upon.

Agendas would be required to be made available to speech and hearing-impaired persons through telecommunications devices for the deaf, telecommunication relay services, or equivalent systems, and, upon request, to sight-impaired persons through braille or large type.

Notification Requirements for Closed Sessions: A policy body would be required to provide specified types of information in meeting agendas regarding the nature of proceedings which occur in closed sessions.

The proposed ordinance includes specific formats for the agendas of closed meetings related to the following types of proceedings: license/permit determinations; conferences with real property negotiators; conferences with legal counsel; threats to public services or facilities; public employee appointments or hiring; public employee performance evaluations; public employee dismissals; and conferences with the City's negotiator in collective bargaining proceedings. The legislation includes samples of specific forms to be used for the agendas of closed meetings dealing with these subjects.

Authorization for Closed Meetings: Closed meetings are specifically authorized under the proposed ordinance for meetings of a policy body with law enforcement officials, or to consider the "appointment, employment, evaluation of performance, or dismissal of a City employee, if the policy body has the authority to appoint, employ, or dismiss the employee," or to hear complaints or charges brought against an employee by another employee.

A policy body may hold a closed session to consider, "pending legislation," on advice of its legal counsel and upon a motion and vote in open session to assert the attorney-client privilege. The proposed ordinance provides specific definitions of "pending legislation." An earlier provision that litigation, "shall not be considered pending if it is contingent on some future action of a policy body" has been deleted.

Reports Following Closed Sessions: Currently, a legislative body is required to report on the results of closed sessions only in actions to appoint, employ, or dismiss a public employee. With certain exceptions, the proposed ordinance would require legislative bodies to report the results of closed

sessions involving real property negotiations, approval to enter into litigation, and settlement agreements.

No settlement agreement approved by the Board of Supervisors could include a provision to prevent the release of the settlement agreement to the public upon request, unless the settlement agreement were closely related to other litigation. However, this provision would not apply to the Public Utilities Commission, Port Commission, and Airports Commission.

The results of a closed session would be required to be reported by the close of business on the day following the meeting. Copies of documents relating to the subject matter of the closed session would be required to be disclosed upon request, provided that the request for information is submitted in a timely fashion, as defined in the proposed ordinance.

Barriers to Attendance Prohibited: Policy bodies would be required not to conduct meetings which (a) excluded persons on the basis of class identity or characteristics, (b) excluded persons with disabilities, or (c) required monetary payments or purchases in order to attend. Public address systems would be required to be modified in cases of excess capacity to reach attendees who could not enter the meeting room.

Provisions have been added which require that each Board or Commission enumerated in the Charter would be required to provide sign language interpreters or note-takers, upon request, at each regular meeting; to provide accessible seating for persons with disabilities; and to include on each published agenda a request that individuals refrain from wearing scented products.

According to the City Attorney's Office, the City is currently required under the U.S. Americans with Disabilities Act of 1990 to eliminate barriers to attendance such as those which would be prohibited under the proposed ordinance.

Tape Recordings of Meetings: Each Board or Commission enumerated in the Charter would be required to tape record each regular and special meeting. The recordings must be maintained for at least 7 days, or until a specific request for access to the tape recording has been satisfied.

Public Testimony: Policy bodies would be required to permit public testimony concerning any item on the agenda, except at meetings of the Board of Supervisors where an item has

BOARD OF SUPERVISORS
BUDGET ANALYST

been previously considered in committee. A policy body could adopt regulations for public testimony, provided that each speaker is allowed at least three minutes.

Minutes of Meetings Required: Each Board or Commission enumerated in the Charter (of which there are 22) would be required to prepare minutes of meetings. Draft copies of the minutes would be required to be made available within 10 days of the meeting; the official minutes would be required to be made available no later than 10 working days following official adoption of the minutes by the board or commission. Minutes of meetings would be required to be made available in braille or increased type size, upon request. Currently, minutes of board and commission meetings are not required.

Release of Computer Records: The proposed ordinance now provides that information which is maintained in electronic form must be provided upon request "in any form requested which is available to the department, including disk, tape, printout, or monitor at no charge greater than the cost of the media on which it is duplicated, plus the direct costs of equipment, supplies, and labor associated with duplicating the electronic file which is requested." A provision has been added which states that, "inspection of documentary public information on a computer monitor need not be allowed where the information is intertwined with information not subject to disclosure." A department would not be required to program or reprogram a computer in order to generate requested information, nor to take actions which would violate any applicable copyright laws or licensing agreements.

An earlier provision of the legislation, which stated that public information would be required to be provided by modem if it were available in this format, was deleted in an Amendment of the Whole dated May 10, 1993, and does not now appear in the proposed ordinance. However, the proposed ordinance does not specifically exclude the provision of information by modem.

Release of Oral Information: Currently, only information which is physically recorded must be disclosed under the Public Records Act, according to the City Attorney. Under the proposed ordinance, each department would be required to designate an employee to provide oral information to the public upon request.

The proposed ordinance reflects that a City employee would not be required to respond to an inquiry which required more than 15 minutes of the employee's time in order to obtain the information requested.

Public Review File: Boards and commissions would be required to maintain a review file containing a copy of any written communication between the policy body and the clerk of each board or commission related to matters heard by the body within the last 30 days or expected to be heard within the next 30 days. A provision was added in the May 10, 1993 Amendment of the Whole which would have excluded memoranda from department staff from inclusion in the public review file; this provision has now been deleted from the proposed ordinance.

Disclosure of Draft Information: Draft memoranda and reports, if they are normally kept on file, must be disclosed upon request. If a draft copy of a document is not normally kept on file, its factual content is nonetheless required to be disclosed upon request, although any draft recommendations of the author could be deleted.

Under the proposed ordinance, draft copies of agreements being negotiated need not be disclosed upon creation but must be preserved and made available for 30 days prior to the presentation of the agreement for approval of a policy body, unless the policy body "finds and articulates" a public interest in non-disclosure of the draft agreement.

A provision has been added which states that, "in the case of negotiations for a contract, lease, or other business agreement in which an agency of the City is offering to provide facilities or services in direct competition with other public or private entities that are not required by law to make their competing proposals public, the policy body may postpone public access to the final draft agreement until it is presented to it for approval, and earlier versions immediately thereafter." This provision is more liberal than an earlier version which required the department provide reasons for non-disclosure of draft agreements which outweighed the public interest in disclosure.

Disclosure of Litigation Material: When litigation involving the City is finally adjudicated or otherwise settled, records of all communications between the parties would be subject to disclosure, including the text and terms of any settlement.

BOARD OF SUPERVISORS
BUDGET ANALYST

Disclosure of Personnel Records: The proposed ordinance provides that non-identifying information concerning the City's work force, including resumes, job descriptions, and other records of employees' experience and qualifications, would be subject to disclosure.

An earlier provision which required the disclosure of records of confirmed misconduct by City employees involving personal dishonesty, misappropriation of funds, unlawful discrimination, abuse of authority, or violence, has been deleted and does not appear in the proposed ordinance.

Law Enforcement Records: Records related to law enforcement activity would be subject to disclosure, with certain exceptions, once the "prospect of an enforcement action has been terminated by either a court or a prosecutor." The names of witnesses and confidential sources are among the recognized exceptions to disclosure requirements. An earlier Amendment of the Whole exempted the disclosure of "any analysis of a police officer;" this exemption has been deleted and does not appear in the proposed ordinance.

Attorney-Client Communications: Previous versions of the proposed ordinance provided that communications between the Board of Supervisors and the City Attorney would be subject to disclosure to the extent that they involve the City Attorney's analysis or interpretation of the Brown Act, the Public Records Act, or other laws governing the public's access to information, or analyzed a proposed legislative action. The current version of the proposed ordinance deletes all references to attorney-client communications.

Contracts, Bids and Proposals: All communications related to contracts, bids, and proposals, except proprietary financial information, would be subject to disclosure after the contract is awarded.

Budgets and Payment Records: All City budgets, and all City payments, invoices, and vouchers, except records of payments which are confidential by law, would be subject to disclosure.

Personal Privacy Exemption: Currently, government agencies can refuse to disclose information which would result in an invasion of privacy. The proposed ordinance, as originally submitted, would have required City employees to assist in efforts to contact persons whose privacy interests are involved in a request for information, in an effort to determine whether they will grant permission for release of

the information. An Amendment of the Whole dated May 10, 1993 deleted this section. The current proposed ordinance restores the provision which requires City employees to assist requesting parties to obtain permission from private individuals for the disclosure of confidential public records.

This section now provides that City employees would be required to assist in contacting private individuals in instances where the City asserts a personal privacy exemption for the following types of records: (1) names and addresses of crime victims; (2) taxpayer information; (3) personal financial data; and (4) "any other argued exemption based upon the personal or proprietary interests of a private natural or corporate person."

The proposed ordinance now stipulates a specific form letter which would be used to notify private persons of a third party request for disclosure of confidential information. The letter would be submitted to the City in an unsealed envelope, and would be addressed and mailed by City employees to the person who is the subject of the confidential records.

Staff time to complete and mail the envelopes would be reimbursable at the wage rate of the employee performing this task. Staff time in excess of 15 minutes to determine the number of persons to whom an information request pertains would also be reimbursable at the applicable wage rate of the employee conducting the research.

Immediacy of Response: Currently, government agencies may take up to 10 days to respond to requests for information, and up to 20 days if a need for additional time can be shown.

The proposed ordinance provides that requested information must be provided before the close of business on the day following receipt of the request, provided that the requesting party specifically requests an immediate response. The department must notify the requesting party prior to this deadline if the department's response will require an extension of up to 10 days, due to the voluminous nature of the request, the need to consult with other departments, or the need to obtain documents stored in remote locations.

Burdensome Requests: Currently, government agencies can withhold records that contain confidential information, if the separation of confidential and non-confidential information would be so burdensome as to outweigh the public interest in disclosure. The proposed ordinance would eliminate this exemption from disclosure. Rather,

BOARD OF SUPERVISORS
BUDGET ANALYST

departments would be required to edit public records to delete confidential information, and to footnote the record to show the reason why information was deleted at each point.

The proposed ordinance now provides that the editing and footnoting of a document would be performed "personally by the attorney or other staff member conducting the exemption review." If the editing and footnoting requires more than one hour, the labor cost in excess of one hour could be charged to the requesting party.

The Amendment of the Whole of May 10, 1993 provided that staff time used to determine which portions of a record were subject to disclosure would also be reimbursable, subject to the one hour minimum. However, the current proposed ordinance state that, "staff time used to locate or collect records for review or copying shall not be included as chargeable."

Fees Allowed for Duplication of Records: For documents which are routinely produced in multiple copies for distribution, a fee of one cent (\$.01) per page may be charged, in addition to any postage costs. For documents which are assembled and copies to the order of the requester, a fee not to exceed ten cents (\$.10) per page may be charged.

Higher fees may be charged only if an itemized cost analysis is performed which reflects the cost of one sheet of paper, one cycle of the copy machine, and the labor cost to operate the machine, calculated as the operator's salary cost per minute divided by the number of copies which can be made per minute on the machine in question.

This provision will allow the City to recover \$.01 per page for documents which are ordinarily widely distributed, or \$.10 per page for specific requested documents. To the extent that these amounts reflect the City's actual costs for duplication, the City will not incur additional expenses for duplicating public documents which are requested under the ordinance.

The Sunshine Ordinance Task Force: The proposed ordinance would establish a Task Force, comprised of seven members appointed by the Board of Supervisors. (The name of the Task Force has been changed from the "Task Force on Implementation of the Sunshine Ordinance.") Members would serve without compensation, and would consist of the following representatives:

BOARD OF SUPERVISORS
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Two members nominated by the local chapter of the Society of Professional Journalists, including one attorney and one journalist.

One member nominated by the Radio- Television- News- Directors Association.

One member nominated by the League of Women Voters.

One member nominated by the San Francisco Community Fund.

Two members of the public who have demonstrated interest or experience in issues of public access to local government.

In addition to the seven members appointed by the Board of Supervisors, the Chief Administrative Officer or his or her designee would be a non-voting member of the Task Force, and the City Attorney would serve as legal advisor to the Task Force.

File 56-93-1

The proposed motion would amend the Rules of Order of the Board of Supervisors to provide as follows:

Rule 4.20 would be amended to provide that, following referral from committee to the Board of Supervisors, a measure must be available for public review for 30 days before action is taken by the full Board of Supervisors. However, on the day that a proposed resolution or motion is introduced, the Board of Supervisors may, by unanimous vote of the members present, dispense with the 30-day waiting period and approve adoption.

Rule 4.31 would be amended to provide that resolutions introduced for immediate adoption without reference to committee would require a 30 day waiting period, unless a written request is received by the sponsor and unanimous consent is given by the members present that an "urgent need exists" to dispense with the 30-day waiting period. Rule 4.31 would also be amended to reflect that measures which are introduced during roll call for immediate adoption would be considered at a meeting which is held 31 days from the date the resolution is introduced.

BOARD OF SUPERVISORS
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Rule 4.24 would be amended to reflect that a committee shall not forward a recommendation to the full Board of Supervisors regarding a proposed amendment or addition to the Municipal or Administrative Codes or the City Charter, unless the text of the measure has been available for public inspection for at least 30 days prior to the hearing.

Comments:

File 97-93-6

1. The City Attorney previously reported that the City would be required to meet and confer with employee organizations concerning a section of the original proposed ordinance concerning the release of certain personnel records, and that this process must be completed before the Board of Supervisors adopts the ordinance.

The City Attorney's Office indicates that this provision has been deleted from the proposed ordinance and, therefore, that meet and confer proceedings will not be necessary.

2. Under the new public meeting requirements of the proposed ordinance which have been identified by the City Attorney, the City would be required to provide more detailed information and documentation of proceedings which occur in closed session, to provide minutes of all board and commission meetings, and to create public review files of board and commission correspondence. The anticipated costs of these provisions would not depend on the extent to which public information were actually requested under the provisions of the proposed ordinance.

Based on approximately 917 meetings which are conducted annually by the Board of Supervisors, the 22 Boards and Commissions enumerated in the Charter, and 6 additional Commissions established by ordinance, the Budget Analyst estimates that the total annual cost to the City to comply with the new public meeting requirements of the proposed ordinance, including documentation of closed sessions, creating public review files of Board and Commission correspondence, and preparing the minutes of meetings, would be approximately \$141,789. This figure is based on salary and fringe benefits costs of \$35.60 per hour, including fringe benefits, for a Class 1492 Assistant Clerk for the Board of Supervisors over a total of approximately 1,339 hours annually (\$47,676), and salary and fringe benefit costs of \$24.26 per hour, including fringe benefits, for a Class 1408 Principal Clerk over a total of approximately 3,879 hours annually (\$94,113).

BOARD OF SUPERVISORS
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The above estimates are equivalent to the services of approximately 2.5 FTEs annually to document closed sessions, prepare minutes of all Board and Commission meetings, and create public review files for approximately 917 meetings which are conducted annually by City Boards and Commissions, or an average of approximately 5.7 hours per meeting.

3. The fiscal impact of the public record provisions of the proposed ordinance (File 97-93-6) will depend on the extent to which information is actually requested by the public, and therefore would impose variable costs which cannot be precisely estimated at this time.

Given the scope and complexity of the proposed ordinance, the Budget Analyst considers that a reasonable minimum estimate of the resources needed to implement the public records requirements of the proposed ordinance would be as follows:

	<u>FTE</u>	<u>Amount</u>
1312 Public Information Officer	2.0	\$88,636
1446 Secretary	1.0	36,566
9765 Assistant to CAO	.10	6,587
8174 City Attorney (Civil)	<u>.10</u>	<u>5,764</u>
Subtotal:	3.2	\$137,553
Fringe benefits @ 21.9 percent		<u>30,124</u>
Total Estimated Direct Costs		\$167,677
Indirect Costs @ 25 percent		<u>41,919</u>
Total Estimated Minimum Costs for Public Records:		\$209,596

As shown above, this estimate represents the services of approximately 3.2 FTE's to ensure compliance with the new public records requirements of the proposed ordinance for 28 City Boards and Commissions (and a larger number of departments), including 22 enumerated in the Charter and 8 established by ordinance of the Board of Supervisors. The services of the estimated 3.2 FTE's would be equivalent, on average, to 4.6 hours per week of services provided by each of the City's 28 Boards and Commissions.

However, the Budget Analyst believes that the estimated minimum cost of \$209,596 to comply with the proposed public records requirements could increase significantly, depending on the extent to which information requests are

BOARD OF SUPERVISORS
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actually received, the nature and complexity of the requests, and the manner in which the ordinance is interpreted for purposes of implementation.

4. The cost to the City of providing public information would be offset by fees which the City could charge to edit and footnote documents which are not required to be disclosed in their entirety. In addition, fees for duplication of documents may be charged at \$.01 per page for documents ordinarily produced for distribution, and \$.10 per page for documents provided in response to a specific request for information.

However, the proposed ordinance does not provide for reimbursement of the City's labor costs for departmental staff to interact with persons requesting information, identify the information which is needed (with some exceptions, such as the names of persons who are the subjects of confidential records), verify the existence of the record, locate the record, copy the record, contact the requesting party, prepare any records which are mailed, respond to questions, etc.

5. In summary, the Budget Analyst estimates the annual costs of implementing the proposed ordinance as follows:

Public Meetings:

To document closed sessions, provide agendas and minutes of all board and commission meetings, and create public review files:

\$141,789

Public Records:

To respond to requests for information under the public records requirements of the proposed ordinance:

209,596

Total Estimated Minimum Annual Costs

\$351,385

Therefore, the Budget Analyst believes that a reasonable estimate of the minimum annual cost to implement the proposed ordinance is \$351,385. However, as previously noted, the estimated minimum annual cost of \$351,385 could increase significantly, depending on the extent to which information requests are actually received by City departments, the nature and complexity of the requests, and the manner in which the ordinance is interpreted for purposes of implementation.

6. The \$351,385 estimated minimum annual cost to the City is the Budget Analyst's estimate of the fiscal impact of the legislation, defined as the estimated cost of performing services which would be mandated under the proposed ordinance but which the City is not currently required to perform. Thus, the estimate represents a baseline budget estimate of the minimum resources which, in the judgment of the Budget Analyst, the City would need to devote annually in order to successfully implement the new public meeting requirements of the legislation for each of approximately 917 Board and Commission meetings which are conducted annually, and to respond to the proposed new mandates governing the release of public records.

7. The Budget Analyst has not surveyed the City's Boards, Commissions, and Departments to evaluate whether, or to what extent, additional budgetary appropriations would be needed to ensure compliance with the legislation. Until a funding request is made, either in the annual budget or through a supplemental appropriation request, the precise cost of the proposed legislation will not be known. To the extent that City Boards and Commissions may already be performing functions which would be newly mandated under the proposed ordinance, or could perform these mandates with existing resources, the additional cost to the City of implementing the legislation would be less than the \$351,385 estimated minimum annual cost to the City of performing the new mandates of the legislation.

8. Any request by City departments for additional resources to implement the proposed ordinance would be subject to review by the Mayor and the Board of Supervisors during the annual budget review or as a supplemental appropriation request. As with any appropriation request, the Budget Analyst will not recommend additional expenditures unless a specific need for such expenditures can be demonstrated by the requesting department.

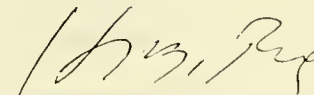
9. As of the writing of this report, and subsequent to the hearing of June 15, 1993, the Budget Analyst has received written comments from the Clerk of the Board of Supervisors, the Controller, the Port Commission, the Fire Department, the Real Estate Department, and the Board of Permit Appeals. These written comments have been reviewed and considered by the Budget Analyst.

BOARD OF SUPERVISORS
BUDGET ANALYST

File 56-93-1

10. The Budget Analyst has not identified any costs associated with the proposed motion to amend the Rules of Order of the Board of Supervisors, which would require that legislation be available for public review for at least 30 days before action is taken by the Board of Supervisors. The 30-day waiting period could be waived if the Board of Supervisors unanimously agreed that an "urgent need" exists to dispense with the waiting period.

- Recommendations:** 1. Approval of the proposed ordinance (File 97-93-6) is a policy matter for the Board of Supervisors.
2. Approval of the proposed motion (File 56-93-1) is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: President Alioto
Supervisor Bierman
Supervisor Conroy
Supervisor Hallinan
Supervisor Hsieh
Supervisor Kaufman
Supervisor Kennedy
Supervisor Leal
Supervisor Maher
Supervisor Migden
Supervisor Shelley
Clerk of the Board
Chief Administrative Officer
Controller
Teresa Serata
Barbara Kolesar
Ted Lakey

BOARD OF SUPERVISORS
BUDGET ANALYST

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DOCUMENTS DEPT.

JUL 12 1993

CALENDAR

SPECIAL RULES COMMITTEE

BOARD OF SUPERVISORS

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO
PUBLIC LIBRARY

MONDAY, JULY 12, 1993 - 1:00 P.M.

ROOM 228, CITY HALL

MEMBERS: SUPERVISORS ALIOTO, BIERMAN, CONROY

CLERK: GREGOIRE HOBSON

1. File 248-93-1. [Ballot Measure] Charter amendment (First Draft) amending Sections 3.100-2, 3.661, 3.681, 3.682, 8.420, 8.429 and 8.515 and adding Sections 3.662 and 3.663 to create a Department of Human Resources encompassing the Employee Relations Division, Health Service System, Workers Compensation and policy functions of the Civil Service Commission, to convert the Civil Service Commission into an appellate body, to make the Human Resources Director appointed by the Mayor and confirmed by the Board of Supervisors and to make the Director of Employee Relations appointed by the Human Resources Director. (Supervisor Kaufman)

(Cont'd from 7/6/93)

ACTION:

City Librarian
Public Library
Civic Center

D 0132

RULES COMMITTEE
S.F. BOARD OF SUPERVISORS
ROOM 235, CITY HALL
SAN FRANCISCO, CA. 94102

IMPORTANT HEARING NOTICE

BDD

84
2/93
CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 MARKET STREET, SUITE 1025

SAN FRANCISCO, CALIFORNIA 94102 • TELEPHONE (415) 554-7642

July 8, 1993

TO: Rules Committee
FROM: Budget Analyst
SUBJECT: July 12, 1993 Rules Committee Meeting

Item 1 - File 248-93-1

Note: This item was continued by the Rules Committee at its meeting of July 6, 1993.

Proposed Ballot Measure

Charter Amendment

Draft:

Fifth Draft

Section Affected:

The proposed Charter Amendment would amend Sections 3.100-2, 3.661, 3.681, 3.682, 8.420, 8.429, 8.515, 8.516 and 8.518, and add Sections 3.662 and 3.663.

Description:

The proposed Charter Amendment would establish a Human Resources Department, and transfer many of the functions of the Civil Service Commission, the Employee Relations Division of the Mayor's Office, the Health and Safety Programs of the Department of Public Health (DPH), the Health Services Board and the Retirement Board to the new department.

Organization of the Proposed New Department

Under the proposed Charter Amendment, the Civil Service Commission would nominate candidates for the position of Human Resources Director. The Director would be selected by the Mayor subject to approval by the Board of Supervisors, and would serve at the pleasure of the Mayor. The proposal provides that the current General Manager for Personnel of the Civil Service Commission would be appointed to serve as the Human Resources Director from the effective date of the Charter Amendment until January 8, 1996.

The Human Resources Director would be authorized to make up to 5 management appointments and appoint one confidential secretary. The Human Resources Director would also have the authority, with the approval of the Civil Service Commission, to contract out any function of the Human Resources Department. Mr. John Holtzman of the City Attorney's Office advises that such activities as labor negotiations and employee assistance programs have traditionally been contracted out by the agencies that administer these functions.

The proposed Charter Amendment would transfer employees from the Civil Service Commission whose job functions are transferred to the new department, without loss of Civil Service rights. Staff would also be transferred along with transferred functions from the Employee Relations Division of the Mayor's Office, the Worker's Compensation Program of the Retirement Board, and the Health Services System.

Personnel System

The Civil Service Commission would retain the authority to adopt rules governing the Civil Service system. Changes to the rules could be proposed by the Human Resources Director, for approval or rejection by the Civil Service Commission. The Civil Service Commission would appoint an Executive Assistant to administer its affairs and to periodically report to the Commission on the operation of the merit system. The Executive Assistant could propose rule changes to the Human Resources Director. The proposed Charter Amendment states that the person who is Assistant Secretary to the Commission on the effective date of the Charter Amendment would become the Executive Assistant to the Civil Service Commission.

The Human Resources Director would assume the responsibility for classifying positions, administering salaries, and recruiting, certifying, appointing, training and evaluating employees. The Human Resources Director would conduct salary surveys for approval by the Civil Service Commission. Under the proposed Charter Amendment, the Civil Service Commission would retain the responsibility to establish an inspection service to investigate the conduct of employees and obtain records of service for promotion and other purposes.

The Civil Service Commission currently has the authority to review and resolve allegations of discrimination. Under the proposed Charter Amendment, the Human Resources Director would develop and require all City Departments to use a procedure for resolution of employee disputes, unless there is an applicable grievance procedure in a binding labor agreement. The Human Resources Director would review and resolve any allegations of discrimination or employee complaints regarding the conduct of City and County employees.

Employees could appeal decisions of the Human Resources Director, including but not limited to allegations of discrimination, fraud or conflict of interest, to the Civil Service Commission for a final decision. The proposal states that no action of the Human Resources Director would be stayed during such an appeal, except by a unanimous vote of the Civil Service Commission.

Labor Negotiations

Under the proposed Charter Amendment, the Human Resources Director would, in consultation with the Mayor, take over the responsibility for labor negotiations from the Mayor's Office of Labor Relations. The Human Resources Director would submit proposed memoranda of understanding (MOUs) to the Mayor, who on approval would submit such MOUs to the Board of Supervisors for approval.

The proposed Charter Amendment states that all programs and staff relating to labor relations be transferred to the Human Resources Department by July 1, 1994.

Health and Safety

The Human Resources Department would take on the responsibility for coordination of all State, local and federal health and safety requirements relating to employees. This function is currently performed by the Department of Public Health. Staff related to health and safety would not be transferred to the Human Resources Department, but Department heads would be required to coordinate health and safety-related activities with the Human Resources Director, whose decisions would be final.

Health Service System

The City's Health Service System currently functions as an independent agency under the Health Service Board. The proposed Charter Amendment would place the Health Service System under the authority of the Human Resources Department. The Human Resources Department would administer the Health Service System subject to the approval of the Health Service Board on policy matters, rules and regulations. The Health Service Board would retain the right to appoint a full-time or part-time medical director for the Health Service System.

The Human Resources Director, rather than the Health Service Board, would have the power to exempt employees whose income is considered sufficient for self-coverage, or who have otherwise provided for adequate medical care. The Health Service Board would retain the responsibility for determining the amount to be paid monthly by members of the system, and hear the appeal of any request for exemption denied by the Human Resources Department.

Investment of the Health Service System Fund would continue to be administered by the Health Service Board under the proposed Charter Amendment.

The proposed Charter Amendment states that all programs and staff relating to health services be transferred to the Human Resources Department by January 1, 1995.

Worker's Compensation

Worker's Compensation benefits are currently administered by the Retirement Board. Under the proposed Charter Amendment, administration of Worker's Compensation and approval of disability leave would be conducted by the

Department of Human Resources, with no oversight by the Retirement Board. The Human Resources Director would also have the authority to review and approve the payment of expenses for hearings conducted under the jurisdiction of the Retirement Board regarding applications for disability retirement or death allowance.

The Human Resources Department would determine whether to reinsure any of the risks to the City included in the Benefit Provisions of the State Workers Compensation laws with the State Compensation Insurance Fund, subject to Board of Supervisors approval.

The proposed Charter Amendment states that all programs and staff related to the administration of the Worker's Compensation Program be transferred from the Retirement Board to the Department of Human Resources by July 1, 1995.

Personal Service Contracts

Under the proposed Charter Amendment, the Human Resources Director would have to approve all personal services contracts. Personal services contracts expected to exceed \$25,000 would also require Civil Service Commission approval. If the Civil Service Commission did not reject a contract within 30 days of submission by the Human Resources Director, the contract would be considered approved.

Investigation of Personnel System

The proposal gives the Civil Service Commission the power to investigate the overall operation of the personnel system and make recommendations to the Human Resources Director, the Mayor, or other City officials. The Civil Service Commission would have the power to subpoena witnesses and records for any hearing conducted as part of such an investigation.

Effect on the Cost of Government:

The Controller's Office reports that in and of itself the proposed Charter Amendment would not affect the cost of government. However, if the proposed Charter Amendment is approved, future related actions of the Mayor and the Board of Supervisors could increase or decrease the cost of government, the amount of which is presently indeterminable.

The proposed Charter Amendment could either increase or decrease the cost of government, since the proposed Charter Amendment does not provide staffing or other budgetary guidelines for the Department of Human Resources, other than to establish that there would be not more than 5 appointed managers and a confidential secretary. The Charter Amendment does transfer all staff currently performing functions to the new department, and guarantees the Civil Service status of Civil Service Commission employees.

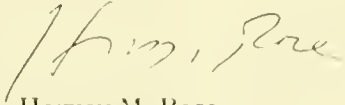
Comments:

1. Mr. Clifford Gates, Deputy Director of the Mayor's Office of Employee Relations, states that it would be desirable for the City to have a centralized labor negotiation and dispute settlement process. Mr. Gates advises that the existence of Departmental MOUs, as well as a Master Labor Contract, decentralizes decision-making and results in having officials who are not familiar with labor law involved in labor negotiations.

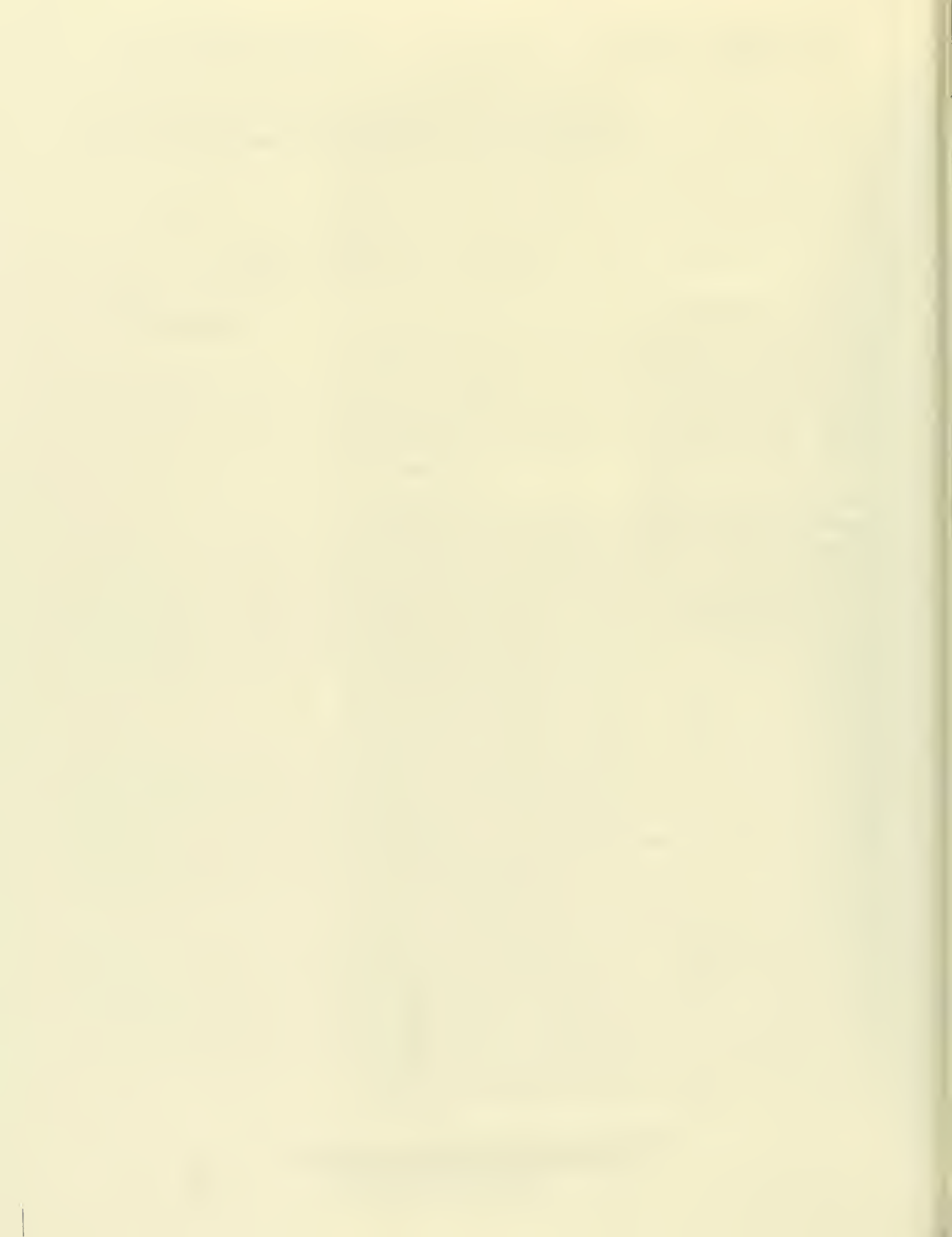
2. The sponsor of the proposed Charter Amendment's Office reports that an Amendment of the Whole will be introduced at the July 12, 1993 Special Rules Committee meeting. As of the writing of this report, according to the sponsor's office, the Amendment of the Whole would (1) require that the Mayor, through the Human Resources Director, be responsible for labor negotiations, (2) mandate that the Human Resources Director assume all labor relations responsibilities at the direction of the Mayor, (3) enable the Civil Service Commission to not only approve or reject, but also to modify rule changes proposed by the Human Resources Director, (4) require a majority, rather than a unanimous, vote of the Civil Service Commission to stay an action by the Human Resources Director which is under appeal, (5) delete the Department of Human Resources responsibility for labor relations policy, although their responsibility for management and administration would remain, (6) reduce the number of Human Resources Director's management or executive appointments from five to three, (7) delete the Human Resources Director's authority to contract out any function, service or activity, with the approval of the Civil Service Commission, (8) delete the provision that actions of the Human Resources Director regarding all matters within the Human Resources Department shall be final, (9) delete the provision that personal services contracts not acted upon within 30 days of submission to the Civil Service Commission would constitute approval, (10) add a provision that decisions of the Human Resources Director regarding classification

Memo to Rules Committee
July 12, 1993 Special Rules Committee Meeting

matters are final, unless appealed by the Civil Service Commission, and (11) delete Section 8.429 regarding contributions to the Health Service System Fund.


Harvey M. Rose

cc: President Alioto
Supervisor Bierman
Supervisor Conroy
Supervisor Hallinan
Supervisor Hsieh
Supervisor Kaufman
Supervisor Kennedy
Supervisor Leal
Supervisor Maher
Supervisor Migden
Supervisor Shelley
Clerk of the Board
Chief Administrative Officer
Controller
Teresa Serata
Barbara Kolesar
Ted Lakey



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OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 MARKET STREET, SUITE 1025

SAN FRANCISCO, CALIFORNIA 94102 • TELEPHONE (415) 554-7642

DOCUMENTS DEPT.

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July 16, 1993

TO: Rules Committee
FROM: Budget Analyst
SUBJECT: July 19, 1993 Special Rules Committee Meeting

Item 1 - File 294-93-1

**Proposed Ballot
Measure:**

Charter Amendment

Draft:

First Draft

Section Affected:

Amending Section 8.409-2

Description:

The proposed Charter Amendment would provide that notwithstanding the provisions of Section 8.407 of the City's Charter, from January 3, 1994 through March 31, 1994, in return for acceptance of a wage freeze for fiscal year 1993-94, any recognized employee organization representing classifications electing to remain within the coverage of Charter Sections 8.401 and 8.407 (Salary Standardization), who did not agree to the wage freeze in fiscal year 1991-92, may, on a one time only basis, elect to bargain for no more than two additional training or furlough days per year to be effective only in fiscal years 1993-94 and 1994-95, and a dental plan, in recognition of the wage freeze for 1993-94. Such bargaining shall not be subject to the impasse procedures provided herein or any other provision of the Charter, ordinance or State law.

Memo to Rules Committee
July 19, 1993 Special Rules Committee Meeting

Sections 8.401 and 8.407 of the City's Charter contain the provisions for Salary Standardization and the survey procedures required to conduct the City's salary survey.

**Effect on the Cost
of Government:**

As of the writing of this report, the Controller has not yet reported on the fiscal effects of the proposed Charter Amendment.

There are an estimated 396 employees that are covered by the Salary Standardization provisions who did not agree to the wage freeze in fiscal year 1991-92 and therefore filed suit against the City. The average annual cost per employee (a) for two additional training or furlough days per year is approximately \$400 (\$200 per day per employee) and (b) for dental benefits is \$605 per employee per year, for a total average annual cost per employee of \$1,005. Based on the estimated 396 employees covered by the Salary Standardization provisions of this proposed Charter Amendment, the Charter Amendment would result in an estimated fiscal year 1993-94 total cost of \$397,980. These costs would continue in fiscal year 1994-95. Under the proposed Charter Amendment, beginning in fiscal year 1995-96, the employees would not receive the two additional training or furlough days, but, dental plan costs of an estimated \$240,000 would continue.

Comments:

1. It should be noted that Charter Section 8.409 currently states that from January 3, 1992 through March 31, 1992, in return for acceptance of a wage freeze for fiscal year 1991-92, all recognized employee organizations representing classifications electing to remain within the coverage of Charter Section 8.401 and 8.407 may, on a one time only basis, elect to bargain for no more than two additional paid training or furlough days per year to be effective only in fiscal years 1992-93, 1993-94 and 1994-95, and a dental plan, in recognition of the wage freeze for 1991-92.

2. According to Mr. Cliff Gates of the Mayor's Office of Employee Relations, almost all employee organizations accepted the wage freeze for fiscal year 1991-92 and in return received the two additional paid training or furlough days and a dental plan. The remaining 396 employees who did not accept the fiscal year 1991-92 wage freeze included the plumbers, glaziers, painters, cement masons and ironworker employee groups. These employee groups instead sued the City over this issue.

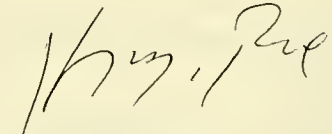
3. According to Mr. Jonathan Holtzman of the City Attorney's Office, the City lost this case in the trial court and this case is currently under appeal. Mr. Holtzman reports that the proposed Charter Amendment would limit the City's liability based on the current wage freeze of fiscal year 1993-94. Mr. Holtzman further advises that the proposed Charter Amendment would provide the two additional training or furlough days and dental benefits to this limited group of employees that currently do not receive such benefits. All other City employees, in exchange for the wage freeze of fiscal year 1991-92, received these additional benefits.

4. The Budget Analyst notes that based on the City's annual Salary Standardization survey, the City's painters were scheduled to receive a one percent salary increase in fiscal year 1993-94 and the plumbers and other craft employees were scheduled to receive a two percent salary increase for fiscal year 1993-94. The Budget Analyst estimates that the total cost to increase the salaries and fringe benefits for this group of 396 employees would be approximately \$466,000 in FY 1993-94.

This \$466,000 one-year cost is in comparison with the estimated \$397,980 one-year cost for FY 1993-94 under the proposed Charter Amendment. However, as discussed above, the proposed Charter Amendment would have continuing estimated costs of at least \$398,000 in fiscal year 1994-95 and \$240,000 in fiscal year 1995-96, for an overall cost of \$1,036,000 between FY 1993-94 and FY 1995-96.

Memo to Rules Committee
July 19, 1993 Special Rules Committee Meeting

5. The City's fiscal year 1993-94 budget does not include funds to pay for either an increase in salaries or the provision of additional training or furlough days and dental benefits for these additional employees.



Harvey M. Rose

cc: President Alioto
Supervisor Bierman
Supervisor Conroy
Supervisor Hallinan
Supervisor Hsieh
Supervisor Kaufman
Supervisor Kennedy
Supervisor Leal
Supervisor Maher
Supervisor Migden
Supervisor Shelley
Clerk of the Board
Chief Administrative Officer
Controller
Teresa Serata
Barbara Kolesar
Ted Lakey

9084
8/3/93

C A L E N D A R
RULES COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

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TUESDAY, AUGUST 3, 1993 - 10:00 A.M. ROOM 228, CITY HALL

MEMBERS: SUPERVISORS ALIOTO, BIERMAN, CONROY

CLERK: GREGOIRE HOBSON

A P P O I N T M E N T S

1. File 92-93-14. Consideration of appointment of one (1) member to the newly established Joint Task Force on the HIV Epidemic nominated by Supervisor Leal. (Clerk of the Board)

(Cont'd from 7/6/93)

<u>DESIG. CATEGORY</u>	<u>NO. TO APPT.</u>	<u>APPLICANT</u>	<u>R/NR*</u>
Supervisor Leal	1	Carmen Chavez	R

ACTION:

2. File 92-92-62. Consideration of appointment of one (1) alternate member to the Assessment Appeals Board, vice Peter J. Fatooh, resigned, for the unexpired portion of three-year term ending September 3, 1993. (Clerk of the Board)

<u>DESIG. CATEGORY</u>	<u>NO. TO APPT.</u>	<u>APPLICANT</u>	<u>R/NR*</u>
Alternate	1	Mark Hagopian	R
Alternate		Joanne M. McFachern	R

ACTION:

3. File 92-92-45. Consideration of appointment of one member (1) to the Maternal, Child and Adolescent Health Board vice Kathleen Morkert (Health Professional - Full Board) term expired August 31, 1992, for the unexpired portion of the new term ending August 31, 1995. (Clerk of the Board)

<u>DESIG. CATEGORY</u>	<u>NO. TO APPT.</u>	<u>APPLICANT</u>	<u>R/NR*</u>
Health Professional	1	Charlene Clemens	R

ACTION:

BALLOT ISSUES

4. File 180-93-2. [Ballot Argument] Ballot argument (First Draft) relating to Board of Supervisors' meetings outside of City Hall. (Supervisor Shelley)

ACTION:

5. File 204-93-2. [Ballot Argument] Ballot argument (First Draft) relating to Board of Supervisors' committee meetings outside of City Hall. (Supervisor Shelley)

ACTION:

6. File 240-93-2. [Ballot Argument] Ballot argument (First Draft) relating to financing construction and capital improvement purchases. (Supervisor Hsieh)

ACTION:

7. File 241-93-2. [Ballot Argument] Ballot argument (First Draft) relating to appointment of Deputy Chiefs, Fire Department. (Supervisor Hsieh)

ACTION:

8. File 245-93-2. [Ballot Argument] Ballot argument (First Draft) relating to retirees serving on Retirement Board. (Supervisor Shelley)

ACTION:

9. File 248-93-2. [Ballot Argument] Ballot argument (First Draft) relating to establishment of Human Resources Department. (Supervisor Kaufman)

ACTION:

10. File 253-93-2. [Ballot Argument] Ballot argument (First Draft) relating to restructuring of the Fine Arts Museums. (Supervisors Conroy)

ACTION:

11. File 255-93-2. [Ballot Argument] Ballot argument (First Draft) relating to establishment of a new Ethics Commission. (Supervisor Shelley)

ACTION:

12. File 257-93-2. [Ballot Argument] Ballot argument (First Draft) relating to disbursements in advance of revenues. (Supervisor Migden)

ACTION:

13. File 258-93-2. [Ballot Argument] Ballot argument (First Draft) relating to the purchases of materials, supplies and equipment. (Supervisor Migden)

ACTION:

14. File 264-93-2. [Ballot Argument] Ballot argument (First Draft) relating to pension benefits for surviving spouses. (Supervisor Maher)

ACTION:

15. File 266-93-2. [Ballot Argument] Ballot argument (First Draft) relating to elections. (Supervisor Bierman)

ACTION:

16. File 266-93-2.1 [Ballot Argument] Ballot argument (First Draft) relating to charter review. (Supervisor Bierman)

ACTION:

17. File 269-93-2. [Ballot Argument] Ballot argument (First Draft) relating to early retirement for Police and Fire Department personnel. (Supervisor Conroy)

ACTION:

18. File 289-93-2. [Ballot Argument] Ballot argument (First Draft) relating to modify retirement benefits by ordinance. (Supervisor Maher)

ACTION:

19. File 294-93-2. [Ballot Argument] Ballot argument (First Draft) relating to wage freeze for employee organizations to receive additional training or furlough day and dental plan who previously elected not to receive. (Supervisor Hallinan)

ACTION:

20. File 250-93-2. [Ballot Argument] Ballot argument (First Draft) relating to the establishment of a Department of Transportation. (Supervisor Migden)

ACTION:

21. File 60-93-1. Hearing to consider ballot arguments concerning propositions for which no Supervisor has submitted an argument. (Supervisor Alioto)

ACTION:

22. File 60-93-2. [Ballot Argument] Ballot argument (First Draft) relating to the lease financing of radio communication systems. (Supervisor Migden)

ACTION:

23. File 60-93-4.1. [Ballot Argument] Ballot argument (First Draft) relating to the cultural facilities bond issue. (Supervisor Shelley)

ACTION:

24. File 60-93-4.2. [Ballot Argument] Ballot argument (First Draft) relating to the streets improvement bond issue. (Supervisor Hsieh)

ACTION:

25. File 60-93-7.1. [Ballot Argument] Ballot argument (First Draft) relating to the sales tax ordinance. (Supervisor Migden)

ACTION:

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7-7-93

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RULES COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

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SEP 7 - 1993

SAN FRANCISCO
PUBLIC LIBRARY

REGULAR MEETING

TUESDAY, SEPTEMBER 7, 1993, 10:00 AM

ROOM 228, CITY HALL

MEMBERS: Supervisors Angela Alioto, Sue Bierman, Annemarie Conroy

CLERK: Gregoire Hobson

* * * * *

Disability Access

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1. File 121-93-13. Hearing to consider strengthening the laws on stalking and harassing by making all violations of California Penal Code Section 646.9 a felony and by removing the requirement of a "reasonable fear of death or great bodily injury" from the definition of stalking/harassment. (Supervisors Alioto, Bierman)

(Continued from 8/23/93)

ACTION:

2. File 12-93-27. [Stalking] Resolution urging State Legislature to stiffen penalties on violations of Penal Code Section 646.9 (stalking), to change the definition of stalking to eliminate element of fear of immediate death or great bodily injury, to enhance penalties for repeat offenses and to require notice to intended victims upon release of stalker. (Supervisors Alioto, Kaufman)

ACTION:

3. File 92-93-31. Consideration of appointment of member to the Assessment Appeals Board, vice Douglas S. Chan, term expired, for three-year term ending September 3, 1996. (Clerk of the Board)

<u>DESIG. CATEGORY</u>	<u>NO. TO APPT.</u>	<u>APPLICANTS</u>	<u>R/NR</u>
Member	1	Ronald Chun	R
Member		Mark Hagopian	R
Member		Alec Lambie	R
Member		Joanne M. McEachern	R
Member		John C. Riccio	R

ACTION:

4. File 92-93-32. Hearing to consider appointment of six members to the Mental Health Advisory Board, one of whom shall be a member of the Board of Supervisors. (Clerk of the Board)

(5 positions from the following categories:)

APPLICANTS: Sheila Hembury (Public Interest)
 Maria Leib (Family Member)
 Paula Wilson (Consumer)
 Janice Cohen (Family Member)
 Pamela Balls Organista (Public Interest/
 Mental Health Prof.)
 Mary Santos (Public Interest/
 Mental Health Prof.)
 T. Renee Richardson (Consumer)
 Emily Cutler (Consumer)
 Nancy Messersmith (Consumer/
 Family Member)
 Lisa C. Salieri (Public Interest)
 Ed de la Cruz (Public Interest)

ACTION:

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CALENDAR - Actions Taken

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241

SAN FRANCISCO
PUBLIC LIBRARYREGULAR MEETING OF
RULES COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCOTUESDAY, SEPTEMBER 21, 1993 - 10:00 A.M.

ROOM 228, CITY HALL

PRESENT: Supervisor Sue Bierman and Annemarie Conroy

ABSENT: Supervisor Angela Alioto

ACTING CLERK: Gail Johnson

1. File 92-93-33. [Appointment] Consideration of appointment of member to the Assessment Appeals Board, vice Mark A. Hagopian (alternate), resigned, for the unexpired portion of three-year term ending September 3, 1996. (Clerk of the Board)

<u>DESIG. CATEGORY</u>	<u>NO. TO APPT.</u>	<u>APPLICANTS</u>	<u>R/NR</u>
Alternate/Member	1	Ronald Chun	R
Alternate/Member		Alec Lambie	R
Alternate/Member		J. M. McEachern	R

ACTION: Hearing held. Appointment of Ronald Chun recommended. Resolution prepared in and reported out of Committee entitled, "Appointing an alternate member to the Assessment Appeals Board." RECOMMENDED.

2. File 92-93-35. [Appointments] Consideration of appointments to the Park and Open Space Advisory Committee vice Jeffrey C. Henne (Bierman/Organization), Christine Schneider (Bierman), Midge Wilson (Conroy/Organization), Francis J. Barron (Hallinan/Organization), Carole Isaacs (Hsieh/Organization), Juanita G. Raven (Kaufman), Mauricio R. Aviles (Kaufman/Organization), Greg Garr (Kennedy/Organization), Barbara A. Judy (Leal/Organization), Robert J. Dutra (Migden/Organization), Willa Sims (Shelley/Organization), terms expiring July 15, 1993, for two-year terms ending July 15, 1995. (Clerk of the Board)

<u>DESIG. CATEGORY</u>	<u>NO. TO APPT.</u>	<u>APPLICANTS</u>	<u>R/NR</u>
Supervisor Hsieh/Organization	1	Bernie F. Lee	R
Supervisor Kaufman	1	Juanita Raven	R
Supervisor Migden/Organization	1	Robert Dutra	R
Supervisor Conroy/Organization	1	Midge Wilson	R
Supervisor Kennedy/Organization	1	Greg Garr	R
Supervisor Bierman/Organization	1	Christine Schneider	R
Supervisor Bierman	1	Jeffrey Henne	R
Supervisor Shelley/Organization	1	Willa Sims	R
Supervisor Hallinan/Organization	1	David C. Spero	R

ITEM 2 CONTINUED

ACTION: Hearing held. Appointments of Bernie F. Lee (Supervisor Hsieh), Juanita G. Raven (Supervisor Kaufman), Robert J. Dutra (Supervisor Migden/Organization), Midge Wilson (Supervisor Conroy/Organization), Christine Schneider (Supervisor Bierman/Organization), Jeffrey C. Henne (Supervisor Bierman), Willa Sims (Supervisor Shelley), David C. Spero (Supervisor Hallinan/Organization) recommended. Resolution prepared in and reported out of Committee entitled, "Appointing members to the San Francisco Park and Open Space Advisory Committee." **RECOMMENDED.** (See File 92-93-35.1.) (Supervisor Kennedy has withdrawn her sponsorship of Greg Garr.)

File 92-93-35. Remaining appointments vice Supervisors Kaufman/Organization, Kennedy/Organization, and Leal/Organization
CONTINUED TO THE CALL OF THE CHAIR.

15/93 //

BOARD of SUPERVISORS



City Hall
San Francisco 94102
554-5184

W. Alexander

NOTICE OF CANCELLED MEETING

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OCT 04 1993

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PUBLIC LIBRARY

RULES COMMITTEE

NOTICE IS HEREBY GIVEN that the regularly scheduled meeting of the Rules Committee for Tuesday, October 5, 1993 at 10:00 a.m., has been cancelled.

John L. Taylor
JOHN L. TAYLOR
Clerk of the Board

POSTED: SEPTEMBER 29, 1993



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#1
10/19/93

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RULES COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

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OCT 20 1993
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TUESDAY, OCTOBER 19, 1993 - 10:00 A.M. ROOM 228, CITY HALL

PRESENT: SUPERVISORS ALIOTO, BIERMAN, CONROY

ACTING CLERK: KAY GULBENGAY

1. File 33-93-7. [Appointment] Resolution confirming Mayor's Appointment to the San Francisco Redevelopment Agency (Manual A. Rosales, for the term to expire September 3, 1997, vice Sonia Bolanos, term expired). (Mayor)

ACTION: Hearing held. Recommended.

2. File 33-93-8. [Appointment] Confirming Mayor's Appointment to the San Francisco Stadium, Inc., Board of Directors (Louise Bea, for the term to expire March 1994, vacancy, and George Broder, for the term to expire March 1994, vice Vince Callan, term expired). (Mayor)

ACTION: Hearing held. Confirmation of appointment of Louise Bea and George Broder recommended. Resolution prepared in and reported out of committee entitled: "Confirming Mayor's appointment to the San Francisco Stadium, Inc., Board of Directors."
Recommended.

3. File 54-93-2. [Meeting Schedule] Revising the regular meeting schedule of the Board of Supervisors by cancelling the meetings of November 29, and December 27, 1993. (Clerk of the Board)

ACTION: Hearing held. Recommended.

4. File 92-93-27. [Appointments] Consideration of appointment of members to the Advisory Council to the Commission on the Aging, vice Arthur Hurwith (Maher), Mary O'Connor (Alioto), Roberta E. Carter (Kennedy) and Donna Calame (Conroy), terms expired March 31, 1993, for new two-year terms ending March 31, 1995. (Clerk of the Board)

ACTION: Hearing held. Appointment of Donna Calame recommended. Resolution prepared in and reported out of committee entitled: "Appointing member to the Advisory Council to the Commission on the Aging."

File 92-93-27.1. Consideration of remaining appointments (Arthur Hurwith (Maher), Mary O'Connor (Alioto), and Roberta E. Carter (Kennedy) continued to November 2, 1993 meeting.

5. File 92-93-38. [Appointment] Consideration of appointment of member to the Association of Bay Area Governments Executive Board, vice Supervisor Tom Hsieh, term expired June 30, 1993, for the two-year term ending June 30, 1995. [must be member of Board of Supervisors] (Clerk of the Board)

ACTION: Filed. (File was opened in error.)

6. File 92-93-39. [Appointment] Consideration of appointment of alternate member to the Association of Bay Area Governments Executive Board, vice Vacant Position (alternate/Hsieh), term expired June 30, 1993, for the two-year term ending June 30, 1995. [must be member of Board of Supervisors] (Clerk of the Board)

(One position only – Must be a member of the Board of Supervisors.)

ACTION: Continued to call of the chair.

7. File 92-93-36. [Appointment] Consideration of appointment of an alternate member (alternate/Alioto) to the Association Bay Area Governments, General Assembly, for indefinite term. (Clerk of the Board)

(One position only – Must be a member of the Board of Supervisors.)

ACTION: Continued to call of the chair.

8. File 92-90-42. [Appointment] Consideration of appointment of member to Redwood Empire Association, vice Supervisor Willie B. Kennedy, term expired, for the one-year term ending December 31, 1994. (Clerk of the Board)

(One position only – Must be a member of the Board of Supervisors.)

ACTION: Hearing held. Continued to November 2, 1993 meeting.

9. File 92-93-35. [Appointments] Consideration of appointments to the Park and Open Space Advisory Committee vice Mauricio R. Aviles (Kaufman/Organization), Greg Garr (Kennedy/Organization), Barbara A. Judy (Leal/Organization), terms expired July 15, 1993, for two-year terms ending July 15, 1995. (Clerk of the Board)

Applicants: Mauricio Vela (Nominee of Supervisor Leal)
Deana McNamara (Nominee of Supervisor Kaufman)

ACTION: Hearing held. Appointment of Mauricio Vela (Nominee of Supervisor Leal) recommended. Resolution prepared in and reported out of committee entitled:
"Appointing member to the to the Park and Open Space Advisory Committee."

File 92-93-35.2. Consideration of remaining appointments (Supervisor Kaufman and Supervisor Kennedy's Nominees) continued to November 2, 1993 meeting.

10. File 92-93-37. [Appointments] Consideration of appointment of members to the Drug Abuse Advisory Board vice Michelle Aldrich (public slot), Carnella Gordon Brown (public slot), Chuck Loudon (provider slot), Lois Perillo (law enforcement slot), Donald Sanders (public slot), terms expired October 1, 1993, for two-year terms ending October 1, 1995. (Clerk of the Board)

Applicants: Michelle Aldrich (public slot)
Chuck Loudon (provider slot)
Lois Perillo (law enforcement slot)
Donald Sanders (public slot)

ACTION: Hearing held. Appointment of Michelle Aldrich (public slot), Chuck Loudon (provider slot), Lois Perillo (law enforcement slot), and Donald Sanders (public slot) recommended. Resolution prepared in and reported out of committee entitled:
"Appointing members to the Drug Abuse Advisory Board."
Recommended.

File 92-93-37.1. Consideration of remaining appointments (Carnella Gordon Brown (public slot) continued to 12/1/93 meeting.

11. File 54-93-3. [Select Committee, Base Closures] Motion continuing a Select Committee of the Board of Supervisors on the impact on city services and renaming it the Select Committee on the Conversion of the Presidio, Hunters Pt. and Treasure Island. (Supervisor Shelley)

ACTION: Hearing held. Amended on page 1 line 23 by replacing "October" with "October 20, 1993" and on page 2 line 3 after "year" by inserting "October 20, 1994". Same title.
Recommended as amended.

12. File 92-93-40. [Appointment] Consideration of appointment to Steering Committee of the Leadership Group for Planning MediCal Managed Care. [must be member of the Board of Supervisors] (Clerk of the Board)

ACTION: Hearing held. Resolution prepared in and reported out of committee entitled.
"Appointing Supervisor Susan Leal as a member of the Steering Committee for Planning Medical Managed Care."
Recommended.

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11/2/93

RULES COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

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NOV 2 1993

SAN FRANCISCO
PUBLIC LIBRARY

REGULAR MEETING

TUESDAY, NOVEMBER 2, 1993, 10:00 AM

ROOM 228, CITY HALL

MEMBERS: Supervisors Angela Alioto, Sue Bierman, Annemarie Conroy

CLERK: Gregoire Hobson

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Disability Access

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1. File 92-93-27.1. [Appointments] Consideration of appointment of members to the Advisory Council to the Commission on the Aging, vice Arthur Hurwith (Maher), Mary O'Connor (Alioto), and Roberta E. Carter (Kennedy). (Clerk of the Board)
(Continued from 10/19/93)

Applicants: Roberta E. Carter (Kennedy)
Arthur Hurwith (Maher)

ACTION:

2. File 92-93-35.2. [Appointments] Consideration of appointments to the Park and Open Space Advisory Committee vice Mauricio R. Aviles (Kaufman/Organization), and Greg Garr (Kennedy/Organization), terms expired July 15, 1993, for two-year terms ending July 15, 1995. (Clerk of the Board)
(Continued from 10/19/93)

Applicants: Deanna McNamara (Kaufman/Organization)
Parker A. Maddux (Kennedy/Organization)

ACTION:

3. File 92-90-42. [Appointment] Consideration of appointment of member to Redwood Empire Association, vice Supervisor Willie B. Kennedy, term expired, for the one-year term ending December 31, 1994. (Clerk of the Board)
(Continued from 10/19/93)
(One position only - Must be a member of the Board of Supervisors.)

Applicant: Supervisor Willie B. Kennedy

ACTION:

4. File 92-93-43. Consideration of appointment of a Board of Supervisors member to position on California State Association of Counties Board of Directors. (Clerk of the Board)
(One position only - Must be a member of the Board of Supervisors.)

Applicant: Supervisor Willie B. Kennedy

ACTION:

**RULES COMMITTEE
BOARD OF SUPERVISORS
ROOM 235, CITY HALL
SAN FRANCISCO, CA 94102**

**IMPORTANT
HEARING NOTICE**

D 0132

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RULES COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

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NOV 3 1993

SAN FRANCISCO
PUBLIC LIBRARY

REGULAR MEETING

TUESDAY, NOVEMBER 16, 1993, 10:00 AM

ROOM 228, CITY HALL

MEMBERS: Supervisors Angela Alioto, Sue Bierman, AnneMarie Conroy

CLERK: Gregoire Hobson

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APPOINTMENTS

1. File 92-93-3.2. [Appointments] Resolution appointing members to the newly established Lead Hazard Reduction Citizens Advisory Committee; making findings waiving residency requirements. (Rules Committee)

(Cont'd from 7/3/93/Question Divided from File 92-93-3)

<u>DESIG. CATEGORY</u>	<u>NO. TO APPT.</u>	<u>APPLICANT</u>	<u>R/NR*</u>
Affordable Housing	1	Heather Lea Heppder	NR
Tenant Rep.	1	Gen Fujioka	NR
Abatement Expert	1	James D. Gilford	NR
		Michael Connor	R
Physician	1	Michael J. Kosnett, M.D.	NR
Testing Expert	1	Stephen C. Davis	NR
		Carole F. Ruwart	R

2. File 92-93-52. Consideration of appointment of two (2) additional members to the Lead Hazard Reduction Citizens Advisory Committee, one (1) of whom shall be a painting contractor and one (1) who shall be a parent for two-year terms ending August 20, 1995. (Clerk of the Board)

<u>DESIG. CATEGORY</u>	<u>NO. TO APPT.</u>	<u>APPLICANT</u>	<u>R/NR*</u>
Painter	1	Thomas Lewis	NR
Parent	1	Lyn Farrugia	R

ACTION:

*R = RESIDENT

NR= NONRESIDENT

3. File 92-93-2. Consideration of appointment of five (5) members vice financial matters, construction worker, environmental matters, language specialist and physician for terms to be determined. (Clerk of the Board)

<u>DESIG. CATEGORY</u>	<u>NO. TO APPT.</u>	<u>APPLICANT</u>	<u>R/NR*</u>
Financial Matters	1	None	
Construction Workers	1	Marvelin Rance	R
Environmental Matters	1	David Tran	R
Language Specialist	1	Silen Nhok	R
Physician	1	David Tejada	R

ACTION:

4. File 92-93-41. Consideration of appointment of a member to the Lead Poisoning Prevention Citizens Advisory Committee, vice Winny Tam, resigned, for the unexpired portion of term to be determined. (Clerk of the Board)

<u>DESIG. CATEGORY</u>	<u>NO. TO APPT.</u>	<u>APPLICANT</u>	<u>R/NR*</u>
Childcare	1	Diana Jung	R

ACTION:

5. File 92-93-46. Consideration of appointment of a member to the Bicycle Advisory Committee, vice Gail E. Wittwer (Environmental Organization), resigned, for the unexpired portion of the three-year term ending December 31, 1994. Board No. 243 (Clerk of the Board)

<u>DESIG. CATEGORY</u>	<u>NO. TO APPT.</u>	<u>APPLICANT</u>	<u>R/NR*</u>
Environmental Org.	1	Pamela Coxson	R

ACTION:

6. File 92-93-51. Consideration of appointment of a member to the Emergency Medical Care Committee, vice Louis Giancola (representing Hospital Council), term expired, for the term ending June 30, 1995. (Clerk of the Board) Board No. 502

<u>DESIG. CATEGORY</u>	<u>NO. TO APPT.</u>	<u>APPLICANT</u>	<u>R/NR*</u>
Hospital Council	1	Nathan Nayman	R

ACTION:

7. File 92-93-44. Consideration of appointment of a member of the Board of Supervisors to the Association of Bay Area Governments, Executive Board, Alternate vice Supervisor Migden, term expired, for two-year term ending June 30, 1995. (Clerk of the Board) Board No. XX

<u>DESIG. CATEGORY</u>	<u>NO. TO APPT.</u>	<u>APPLICANT</u>	<u>R/NR*</u>
Alternate Board Member	1	None	R

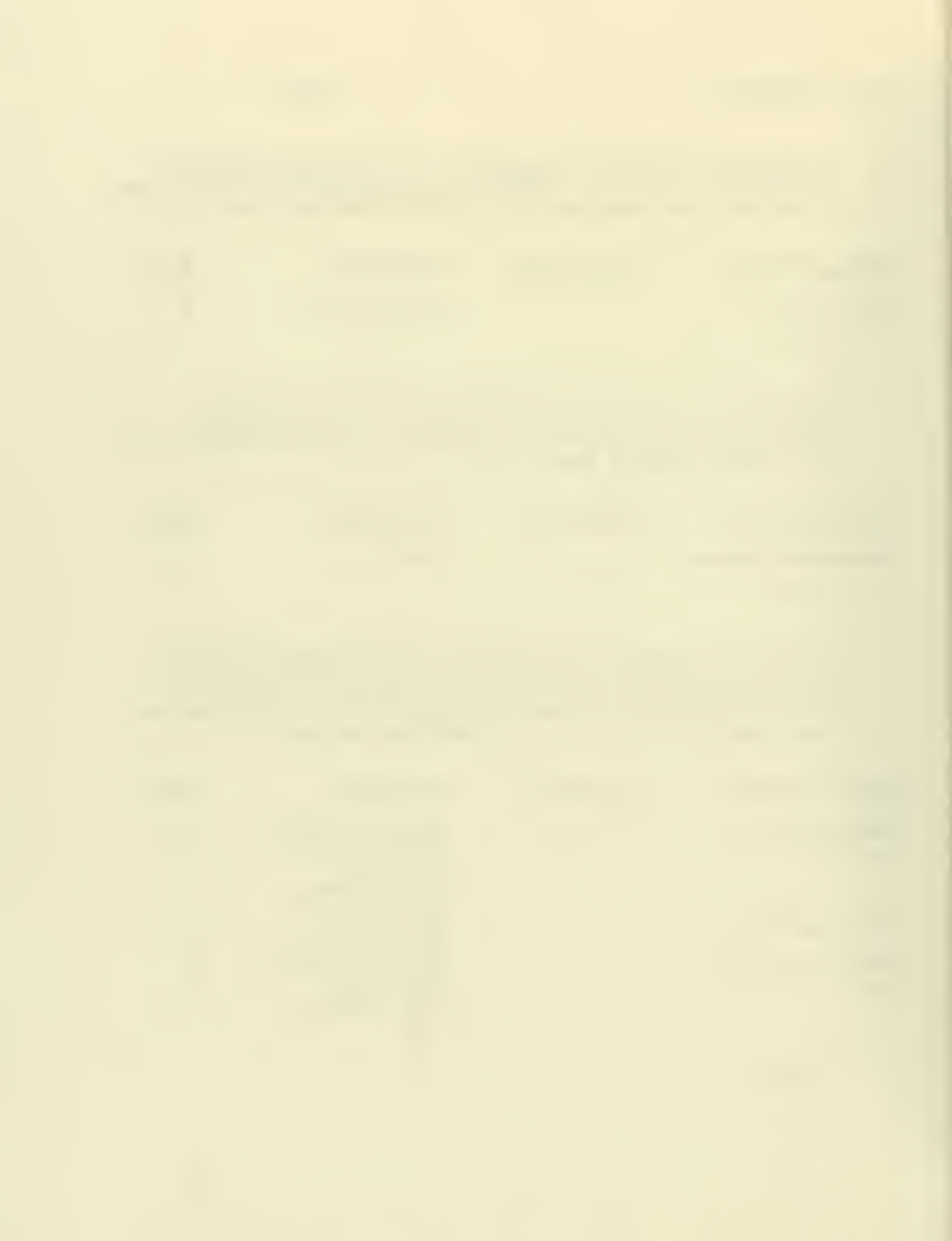
ACTION:

8. Consideration of appointment of members to the Hazardous Materials Advisory Committee vice, Kathryn B. Dickson (public interest), Joseph M. Hurley (labor), Rufus Davis (neighborhood organization), Roberta Borgonova (environmental organization) and Mike Garza (open slot) terms expired July 1, 1993, for four-year terms ending July 1, 1997. (Clerk of the Board) Board No. 226.

<u>DESIG. CATEGORY</u>	<u>NO. TO APPT.</u>	<u>APPLICANT</u>	<u>R/NR*</u>
Public Interest	1	Kathryn B. Dickson**	R
Labor	1	Joseph M. Hurley**	R
		Daniel Huff	R
		Frank Donahue	R
		Edward R. Fowlie	R
Neighborhood Org.	1	Rufus Davis**	R
		Barney P. Popkin	R
Environmental Org.	1	Roberta Borgonova**	R
Open Slot	1	Mike Garza**	R
		Thomas Bernard	R

**Incumbent

ACTION:



9. File 92-92-41. Consideration of appointment of eleven (11) community members who are residents of the Hayes Valley and Western Addition neighborhoods to the Hayes Valley/Western Addition Transportation Task Force. (Clerk of the Board) Board No. XX.

<u>DESIG. CATEGORY</u>	<u>NO. TO APPT.</u>	<u>APPLICANT</u>	<u>R/NR*</u>
Hayes Valley	5 or 6	Edward Spivak	R
Western Addition	5 or 6	Stedman F. Matthew Bernard Chooen	R R

ACTION:

10. File 92-92-35. Consideration of appointment of nineteen (19) members to the Advisory Task Force on Homelessness, terms ending June 30, 1995. (Clerk of the Board) Board No. XX.

<u>DESIG. CATEGORY</u>	<u>NO. TO APPT.</u>	<u>NOMINEE</u>	<u>R/NR*</u>
Mayor/Designee	1	Eleanor Jacobs	R
Board of Supervisors	1	Willie B. Kennedy	R
Dept. Social Services	1	Jim Buick	R
Dept. Public Health	1	Nancy Rubin	R
Coal. on Homelessness	1	Paul Boden	R
Homeless Task Force	1	Phyllis McEwan	R
Service Providers Coal.	1	Kym Valadez	NR
Homeless Vet. Action Cmt.	1	Ray Masterson	R
Coal. Homeless Women and Children		Sharron Treskunoff	
	1	Bailey	R
Income Rights Projects.	1	None	
Family Service Provider Coalition	1	Kathlyn T. Gaubatz	R
Outreach Workers Coal.	1	Allen Meyer	R
Food Not Bombs	1	None	
Economic Rights Task Force of Nat'l			
Lawyers Guild	1	Stephen Collier	R
HIV Housing Task Force	1	Anna J. D'Amato	R
S.F. Council on Homelessness	1	Amanda Feinstein	R
Council of Community Housing Org.	1	None	
DSS Shelter Advisory Committee	1	John E. O'Brien	R
Homeless Shelter Housing Providers Association	1	None	

ACTION:

GENERAL ITEM(S)

11. File 60-93-13. Hearing to consider limiting the number of ballot initiatives sponsored by the Mayor and/or Board of Supervisors to no more than eight (8) per election.
(Supervisor Alioto)

ACTION:

RULES COMMITTEE
S.F. BOARD OF SUPERVISORS
ROOM 235, CITY HALL
SAN FRANCISCO, CA 94102

IMPORTANT HEARING NOTICE

592.84
#3
11/16/93
CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 MARKET STREET, SUITE 1025

SAN FRANCISCO, CALIFORNIA 94102 • TELEPHONE (415) 554-7642

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November 12, 1993

TO: Rules Committee
FROM: Budget Analyst
SUBJECT: November 16, 1993 Rules Committee Meeting

Item 11 - File 60-93-13

The proposed hearing is to consider limiting the number of ballot propositions sponsored by the Mayor and/or the Board of Supervisors to not more than eight (8) per election.

According to Ms. Germaine Wong of the Registrar of Voters, there currently are no limits on the number of ballot propositions that the Mayor and/or the Board of Supervisors can sponsor for each election. Ms. Wong reports that during the recent November 2, 1993 election, the Mayor sponsored two ballot propositions and the Board of Supervisors sponsored 22 ballot propositions, for a total of 24 propositions for both the Mayor and Board of Supervisors. In addition, Ms. Wong reports that four propositions were sponsored by voters. Overall, there was a total of 28 local propositions on the November 2, 1993 ballot.

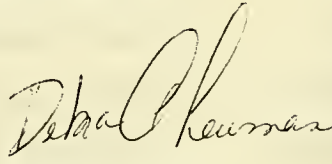
Comments

1. An initiative process is required for the public to place a proposition on the ballot. According to Ms. Wong, to place a Charter Amendment initiative on the ballot requires the submission of signatures from ten percent of the registered voters in San Francisco, or approximately 42,500 to 50,000 valid signatures, based on an estimated 425,000 to 500,000 registered voters in San Francisco. To place an initiative ordinance on the ballot requires the submission of signatures from five percent of the voters who voted in the last Mayoral election. Ms. Wong reports that slightly less than 200,000 San Francisco residents voted in the last Mayoral election, such that an initiative ordinance would require approximately 5,000 valid signatures to qualify for the ballot.

Memo to Rules Committee
November 16, 1993 Rules Committee Meeting

2. Ms. Wong reports that to include each proposition on the local ballot costs the City between \$25,000 and \$50,000.

3. According to Mr. Burke Delventhal of the City Attorney's Office, the regulations and requirements for placing Charter Amendments before the voters is governed by State law, such that the number of Charter Amendments to be placed on the ballot cannot be limited by the Mayor, the Board of Supervisors and/or the voters of San Francisco. However, Mr. Delventhal reports that the City's Charter governs the rules for placing ordinances or declarations before the voters. As such, the voters of San Francisco could approve a Charter Amendment, to limit the number of ordinances or declarations that are placed on the ballot. Mr. Delventhal reports that the City Attorney's Office will study further whether a limit can be placed on the number of bond measures placed on the local ballot.


for Harvey M. Rose

cc: President Alioto
Supervisor Bierman
Supervisor Conroy
Supervisor Hallinan
Supervisor Hsieh
Supervisor Kaufman
Supervisor Kennedy
Supervisor Leal
Supervisor Maher
Supervisor Migden
Supervisor Shelley
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11/16/93
CITY AND COUNTY



OF SAN FRANCISCO

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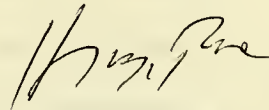
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Memo to Rules Committee
November 16, 1993 Rules Committee Meeting

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Harvey M. Rose

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12/1/93

CALENDAR

RULES COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

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REGULAR MEETING

TUESDAY, DECEMBER 7, 1993, 10:00 AM

ROOM 228, CITY HALL

MEMBERS: Supervisors Angela Alioto, Sue Bierman, Annemarie Conroy

CLERK: Gregoire Hobson

* * * * *

Disability Access

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APPOINTMENTS

1. File 92-93-44. Consideration of appointment of a member of the Board of Supervisors to the Association of Bay Area Governments, Executive Board, Alternate vice Supervisor Migden, term expired, for two-year term ending June 30, 1995. (Clerk of the Board) Board No. 103.

(Cont'd from 11/16/93)

<u>DESIG. CATEGORY</u>	<u>NO. TO APPT.</u>	<u>APPLICANT</u>	<u>R/NR*</u>
Alternate Board Member	1	Supervisor Sue Bierman	R

ACTION:

2. File 93-92-54. Consideration of appointment of members to the Hazardous Materials Advisory Committee vice, Kathryn B. Dickson (public interest), Joseph M. Hurley (labor), Rufus Davis (neighborhood organization), Roberta Borgonova (environmental organization) and Mike Garza (open slot) terms expired July 1, 1993, for four-year terms ending July 1, 1997. (Clerk of the Board) Board No. 226.

(Cont'd from 11/16/93)

<u>DESIG. CATEGORY</u>	<u>NO. TO APPT.</u>	<u>APPLICANT</u>	<u>R/NR*</u>
Public Interest	1	Kathryn B. Dickson**	R
Labor	1	Joseph M. Hurley**	R
		Daniel Huff	R
		Frank Donahue	R
		Edward R. Fowlie	R
Neighborhood Org.	1	Rufus Davis**	R
		Barney P. Popkin	R
Environmental Org.	1	Roberta Borgonova**	R
Open Slot	1	Mike Garza**	R
		Thomas Bernard	R

**Incumbent

ACTION:

3. File 92-92-35. Consideration of appointment of three (3) members to the Advisory Task Force on Homelessness, terms ending June 30, 1995. (Clerk of the Board) Board No. 223.

(Cont'd from 11/16/93)

<u>DESIG. CATEGORY</u>	<u>NO. TO APPT.</u>	<u>NOMINEE</u>	<u>R/NR*</u>
Food Not Bombs	1	Alex Vitale	R
Council of Community Housing Org. Committee	1	Juan Oyarzun	R
Homeless Shelter/Housing Providers Association	1	None	

4. File 92-92-35.2. Consideration of appointment of three (5) members to the Advisory Task Force on Homelessness, terms ending June 30, 1995. (Clerk of the Board) Board No. 223.

<u>DESIG. CATEGORY</u>	<u>NO. TO APPT.</u>	<u>NOMINEE</u>	<u>R/NR*</u>
Gray Panthers	1	Judith Lindbloom	R
Ayuda	1	Richard Marquez	R
Independent Housing Agency	1	Walter Parks	R
Homeless Persons	2	Joseph Braverman	R

5. File 92-93-37.1. Consideration of appointment of members to the Drug Abuse Advisory Board vice Carnella Gordon Brown (public interest member), term expired October 1, 1993, for new two-year term ending October 1, 1995. (Clerk of the Board) (Board No. 221)

<u>DESIG. CATEGORY</u>	<u>NO. TO APPT.</u>	<u>NOMINEE</u>	<u>R/NR*</u>
Public Interest	1	Joseph L. Carter	R
		Dominique Leslie	R
		Grace Shu-Hua Chu	R

ACTION:

6. File 92-93-47. Consideration of appointment of a member to the Drug Abuse Advisory Board vice Ernie L. Jackson (public interest member), resigned, for the unexpired portion of the three-year term ending October 1, 1994. (Clerk of the Board) (Board No. 221)

<u>DESIG. CATEGORY</u>	<u>NO. TO APPT.</u>	<u>NOMINEE</u>	<u>R/NR*</u>
Public Interest	1	Billy Pick	R
		Annette G. Mosqueda	R
		Anita Gilbert	R

ACTION:

7. File 92-93-45. Consideration of appointment of nine (9) members to the newly established Sunshine Ordinance Task Force pursuant to Ordinance No. 265-93. (Clerk of the Board) (Board No. 271)

<u>DESIG. CATEGORY</u>	<u>NO. TO APPT.</u>	<u>NOMINEE</u>	<u>R/NR*</u>
Society of Prof. Journalists			
Attorney	1	Elizabeth Pritzker	R
Journalist	1	Bruce B. Brugmann	R
Radio/Television/News Director Assoc.	1	None	
League of Women Voters	1	Elisabeth Frater	R
		Melinda Cuthbert	R
Public Interest (local govn't)	2	None	
Public Interest (consumer advocacy)	2	Shelley E. Salieri	R
Chief Admin. Officer	1	Rudolf Nothenberg	R
Clerk of the Board		John L. Taylor	R

ACTION:

8. File 92-93-59. Consideration of appointment of four (4) additional members to the National Service Blue Ribbon Commission pursuant to Resolution No. 894-93. (Clerk of the Board) (Board No. 204)

<u>DESIG. CATEGORY</u>	<u>NO. TO APPT.</u>	<u>NOMINEE</u>	<u>R/NR*</u>
Board of Supervisors	4	Jason Ollander-Krane	R
		Steve Williams	R
		Laura Hamasaka	R
		Michael McAvoy	R

ACTION:

GENERAL ITEM(S)

9. File 60-93-13. Hearing to consider limiting the number of ballot initiatives sponsored by the Mayor and/or Board of Supervisors to no more than eight (8) per election. (Supervisor Alioto)

ACTION:

10. File 174-93-11. Hearing to consider formation of a five (5) member Ballpark Committee to consider the proposed 7th and Townsend site for a period of six months. (Supervisor Alioto)

ACTION:

RULES COMMITTEE
S.F. BOARD OF SUPERVISORS
ROOM 235, CITY HALL
SAN FRANCISCO, CA. 94102

IMPORTANT HEARING NOTICE

CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS**BUDGET ANALYST**

1390 MARKET STREET, SUITE 1025

SAN FRANCISCO, CALIFORNIA 94102 • TELEPHONE (415) 554-7642

December 3, 1993

TO: Rules Committee
FROM: Budget Analyst
SUBJECT: December 7, 1993 Rules Committee Meeting

Item 9 - File 60-93-13

Note: This item was continued by the Rules Committee at its meeting of November 16, 1993.

The proposed hearing is to consider limiting the number of ballot propositions sponsored by the Mayor and/or the Board of Supervisors to not more than eight (8) per election.

According to Ms. Germaine Wong of the Registrar of Voters, there currently are no limits on the number of ballot propositions that the Mayor and/or the Board of Supervisors can sponsor for each election. Ms. Wong reports that during the recent November 2, 1993 election, the Mayor sponsored two ballot propositions and the Board of Supervisors sponsored 22 ballot propositions, for a total of 24 propositions for both the Mayor and Board of Supervisors. In addition, Ms. Wong reports that four propositions were sponsored by voters. Overall, there was a total of 28 local propositions on the November 2, 1993 ballot.

Comments

1. An initiative process is required for the public to place a proposition on the ballot. According to Ms. Wong, to place a Charter Amendment initiative on the ballot requires the submission of signatures from ten percent of the registered voters in San Francisco, or approximately 42,500 to 50,000 valid signatures, based on an estimated 425,000 to 500,000 registered voters in San Francisco. To place an initiative ordinance on the ballot requires the submission of signatures from five percent of the voters who voted in the last Mayoral election. Ms. Wong reports that slightly less than 200,000 San Francisco residents voted in the last Mayoral

Memo to Rules Committee
December 7, 1993 Rules Committee Meeting

election, such that an initiative ordinance would require approximately 10,000 valid signatures to qualify for the ballot.

2. Ms. Wong reports that to include each proposition on the local ballot costs the City between \$25,000 and \$50,000.

3. According to Mr. Burke Delventhal of the City Attorney's Office, the regulations and requirements for placing Charter Amendments before the voters is governed by State law, such that the number of Charter Amendments to be placed on the ballot cannot be limited by the Mayor, the Board of Supervisors and/or the voters of San Francisco. However, Mr. Delventhal reports that the City's Charter governs the rules for placing ordinances or declarations before the voters. Mr. Randy Riddle of the City Attorney's Office reports that bond measures are also governed by the City's Charter. As such, the voters of San Francisco could approve a Charter Amendment, to limit the number of ordinances, declarations or bond measures that are placed on the ballot.

Item 10 - File 174-93-11

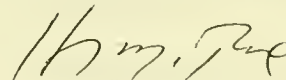
1. The following item is a hearing to consider the formation of a five member Ballpark Advisory Committee to consider the proposed 7th and Townsend site for a period of six months.

2. The proposed Ballpark Advisory Committee would act as clearinghouse for proposals, including financing, design, and construction plans that would privately and/or publicly finance a new downtown baseball stadium at the 7th Street and Townsend Street Site. The proposed Ballpark Advisory Committee would report its findings to the Board of Supervisors within six months from the date of the Committee's first meeting.

3. As of the writing of this report, the proposed Ballpark Advisory Committee would be composed of five voting members who would be appointed by the Board of Supervisors. The President of the Board of Supervisors would recommend to the Board of Supervisors the appointment of five voting members to serve on the Committee as follows:

One representative - neighborhood organization
One representative - labor organization
One representative - downtown business community
One representative - Mayor's Office
One member of the Board of Supervisors

4. As of the writing of this report, the Office of the Sponsor of the proposed Ballpark Advisory Committee reports that Committee members would serve without compensation, and that any related administrative expenses associated with the Committee would be absorbed in the City's existing budget.


Harvey M. Rose

cc: President Alioto	Chief Administrative Officer
Supervisor Bierman	Controller
Supervisor Conroy	Teresa Serata
Supervisor Hallinan	Robert Oakes
Supervisor Hsieh	Ted Lakey
Supervisor Kaufman	
Supervisor Kennedy	
Supervisor Leal	
Supervisor Maher	
Supervisor Migden	
Supervisor Shelley	
Clerk of the Board	



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RULES COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

REGULAR MEETING

TUESDAY, DECEMBER 21, 1993, 10:00 AM

ROOM 228, CITY HALL

MEMBERS: Supervisors Angela Alioto, Sue Bierman, Annemarie Conroy

CLERK: Gregoire Hobson

* * * * *

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APPOINTMENTS

1. File 92-93-23. Consideration of appointment of a member to the Adult day Health Care Advisory Committee vice George Goodstein, M.D. (SF Medical Society's representative), resigned, for the unexpired portion of the three-year term ending September 30, 1994. (Clerk of the Board) Board No. 200.

<u>DESIG. CATEGORY</u>	<u>NO. TO APPT.</u>	<u>NOMINEE</u>	<u>R/NR*</u>
SF Medical Society	1	Harry Weinstein, M.D.	R

ACTION:

2. File 92-93-61. Consideration of appointment of a member of the Board of Supervisors to the Committee on Charter Reform pursuant to Proposition N as approved by the electorate November 2, 1993. (Clerk of the Board) Board No. 136.

ACTION:

3. File 92-93-56. Consideration of appointment of a member to the Bay Area Library and Information System Advisory Board (BALIS), vice Jean Kalil, term expiring December 31, 1993, for a new two-year term ending December 31, 1995. (Clerk of the Board) Board No. 213.

<u>DESIG. CATEGORY</u>	<u>NO. TO APPT.</u>	<u>NOMINEE</u>	<u>R/NR*</u>
	1	Donna Miller Casey	R

ACTION:

*Resident/Non-Resident

GENERAL ITEM(S)

4. File 97-93-65. [Veterans' Affairs Commission] Ordinance amending Administrative Code by amending Sections 5.100, 5.101, 5.102, 5.103, 5.104, 5.105, 5.106 and 5.107, changing the name of the Veterans' Affairs Council to the Veterans' Affairs Commission. (Supervisor Alioto)

ACTION:

RULES COMMITTEE
S.F. BOARD OF SUPERVISORS
CITY HALL, ROOM 235
SAN FRANCISCO, CA 94102

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